

POLITICS OF DESECULARIZATION

LAW AND THE MINORITY QUESTION
IN PAKISTAN

SADIA SAEED



Politics of Desecularization

Over time the Pakistani state has moved from accommodating the Ahmadiyya community as full citizens of the state to forcibly declaring them non-Muslim and eventually criminalizing them for their religious beliefs. *Politics of Desecularization* deploys the “Ahmadi question” to theorize a core feature of modern public Islam – its contested and unsettled relationship with the nation-state form. It posits that our current understandings of modern religious change have been shaped by a highly limited number of national cases in which states have been successful at arriving at stable ideologies about religion. Pakistan, however, epitomizes polities that are undergoing protracted political and cultural struggles over religion’s proper place in the state. The book’s gripping account shows that these struggles are carried out in social sites as diverse as courts, legislative assemblies, and newspapers. The result in Pakistan has been the emergence of a trajectory of desecularization characterized by official religious nationalism.

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The most enduring and illuminating bodies of late nineteenth-century social theory – by Marx, Weber, Durkheim, and others – emphasized the integration of religion, polity, and economy through time and place. Once a staple of classic social theory, however, religion gradually lost the interest of many social scientists during the twentieth century. The recent emergence of phenomena such as Solidarity in Poland, the dissolution of the Soviet empire, various South American, Southern African, and South Asian liberation movements, the Christian Right in the United States, and Al Qaeda have reawakened scholarly interest in religiously based political conflict. At the same time, fundamental questions are once again being asked about the role of religion in stable political regimes, public policies, and constitutional orders. The series *Cambridge Studies in Social Theory, Religion, and Politics* will produce volumes that study religion and politics by drawing upon classic social theory and more recent social scientific research traditions. Books in the series offer theoretically grounded, comparative empirical studies that raise “big” questions about a timely subject that has long engaged the best minds in social science.

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To my parents

Acknowledgments	page xi
<i>Introduction: Revisiting Decolonization</i>	
Colonial Genealogy of Muslim Politics	1
Democratic Exclusions, Authoritarian Inclusions	77
Politics of Minoritization	107
The Nation-State and Its Histories	145
Coercion and the Minority Question	178
Conclusions: After Secularization	209
<i>Appendix A: Text of Objectives Resolution, Preamble to the Constitution of Pakistan</i>	
	215
<i>Appendix B: Text of Anti-Islamic Activities of the Qadiri Group, Lahori Group, and Ahmadiyya (Prohibition and Punishment) Ordinance, 1984</i>	
	237
Bibliography	249
Index	265

Contents

<i>Acknowledgments</i>	page xi
Introduction: <i>Rethinking Desecularization</i>	I
1 Colonial Genealogy of Muslim Politics	45
2 Democratic Exclusions, Authoritarian Inclusions	77
3 Politics of Minoritization	107
4 The Nation-State and Its Heretics	145
5 Courts and the Minority Question	178
Conclusion: <i>After Secularization</i>	209
<i>Appendix A: Text of Objectives Resolution, Preamble to the Constitution of Pakistan</i>	235
<i>Appendix B: Text of Anti-Islamic Activities of the Qadiani Group, Lahore Group, and Ahmadis (Prohibition and Punishment) Ordinance, 1984</i>	237
<i>Bibliography</i>	239
<i>Index</i>	265

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INTRODUCTION

Rethinking Desecularization

In May 2010, members of the Punjab wing of *Tehrik-e-Taliban Pakistan*, an extremist religious organization that was outlawed by the Pakistani state in 2008, attacked two mosques in Lahore. These mosques belonged to the Ahmadiyya community, a self-identifying sect of Islam that was constitutionally declared a non-Muslim minority by the Pakistani state in 1974.¹ Newspapers across the country reported this news as an attack on Ahmadiyya “places of worship.” The word “mosque” was avoided because a law promulgated by the state in 1984 made it a criminal offense for Ahmadis to refer to themselves as Muslim, to their religion as Islam, or to publicly practice Islam.² Although Ahmadis consider their places of worship mosques and themselves Muslims, these designations are consciously avoided in the public sphere in deference to these laws.

The issue runs deeper than religious categorization. When the former Prime Minister of Pakistan and then member of the National Assembly Nawaz Sharif condemned the attacks and stated that “Ahmadi brothers and sisters are an asset” and citizens of Pakistan, his statements immediately drew criticisms from various religious parties and groups. For example, the leadership of *Jamiat-ul-Ulema-e-Islam*, a prominent Islamist party, called Sharif’s statement a “violation of the Constitution” and demanded that he “seek forgiveness from Muslims all over the world.” Some *ulema*³

¹ Constitution (Second Amendment) Act of 1974.

² *Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance of 1984.*

³ The term “*ulema*” (singular: “*alim*”) refers to traditional Muslim religious scholars.

threatened to launch a campaign against his party if Sharif did not retract his statements.⁴

Nawaz Sharif is one of Pakistan's most popular political leaders. Politically, he is a religious conservative. During his tenure as Prime Minister in 1998, Sharif had attempted to pass a constitutional bill that would have made *sharia* the main source of law in Pakistan.⁵ In the aftermath of the 2010 attacks, he chose to express solidarity with a vulnerable religious community that had just witnessed horrific acts of violence.⁶ In response, conservative religious groups publicly rebuked Sharif for sympathizing with a religious community that they deem heretical. By pitting Sharif against "Muslims all over the world," these groups sought to link Sharif with religious deviance while establishing themselves, the Pakistani *ulema*, as the legitimate purveyors of fundamental religious truths supposedly held by a monolithic Muslim *ummah*.⁷

From Sharif's perspective, the existence of laws rendering Ahmadis non-Muslim did not strip Ahmadis of their right to practice their religion without the threat of physical harm from an outlawed religious group. For the vocal *ulema*, the symbolic import of Sharif's statements trumped the gravity of the attacks. Expressing solidarity with Ahmadis and referring to them as citizens was, in their view, tantamount to violation of the law of the land that had already relegated Ahmadis to an inferior non-Muslim status. Notwithstanding the religious controversy that his comments generated, Sharif steadfastly stood by his statements.⁸

Since gaining independence, the Pakistani state has moved from accommodating Ahmadis as full citizens of the state to forcibly declaring them non-Muslim and eventually criminalizing them for adhering to nonconventional interpretations of Islamic religious tenets. An examination of

⁴ "PML-N Defends Nawaz's Remarks about Ahmadis," *Dawn* (Karachi), June 10, 2010.

⁵ Constitution (Fifteenth Amendment) Act of 1998. Sharif's proposed measure would have introduced fundamental structural changes by making executive state authorities the sole legislators, above and beyond elected representatives and the courts, of an authoritarian and arbitrary "Islamic" system. Although the bill was intensely opposed, Sharif was ultimately able to push it through the National Assembly with some minor changes. However, it was not presented before the Upper House because Sharif did not enjoy a majority there. The ouster of Sharif from power via a military coup in 1999 cast the bill aside (H. Khan 2005: 483–4; Zaman 2002: 91–3). Sharif has not expressed a similar initiative in his current tenure as Prime Minister (June 2013–present).

⁶ Militants armed with guns, grenades, and suicide bombs entered the mosques and indiscriminately attacked Ahmadi worshippers.

⁷ The Arabic word "*ummah*" is deployed to refer to a transcendental Muslim community tied together by a religious bond.

⁸ "PML-N Defends Nawaz's Remarks about Ahmadis," *Dawn* (Karachi), June 10, 2010.

why the Ahmadiyya community provokes unique anxieties for political and religious actors in Pakistan, which is the subject of this book, is akin to inquiring about the Pakistani state's checkered history with Islam. The two are different sides of the same coin, and an inquiry into one inevitably leads to the other.

The emergence of Pakistan as a central player in US foreign policy goals during the Cold War and the War on Terror tends to obscure that Pakistan is the only Muslim state that has been self-consciously founded on the basis of religion.⁹ Unlike Iran and Saudi Arabia, whose Islamic systems were put into place by specific political regimes, the very *raison d'être* of Pakistan foundationally rests on its Muslim identity. The country came into existence in 1947 following a nationalist movement that advocated the "two-nation theory," which represented the idea that Muslims and Hindus of the Indian subcontinent constitute two separate nations. The newly carved state of Pakistan was to serve as a separate "homeland" for Muslims living under British colonial rule.

However, there was no consensus at the time of independence about how the idea of a territorially based Muslim nation-state would translate into state formation. The Preamble of the Pakistani Constitution, termed the "Objectives Resolution," adopted in 1949, explicitly vests sovereignty in Allah and privileges a Muslim national identity for Pakistan.¹⁰ Yet debates and contestations over how this identity ought to inform state policies continue to be a defining feature of public life. The "religion question," that is, the question of the relationship between religion and state, in Pakistan is striking because of this political vibrancy, animating citizens across the ideological spectrum and bringing high-level officials into conversation with ordinary citizens.¹¹

While our scholarly understandings of modern public religion have made significant strides as a result of critically questioning traditional secularization theories that posited a decline in the influence of religion with increasing modernization, they are unable to explain the nature and direction of religious change in Pakistan. The primary reason is that this

⁹ The only other modern state that has been similarly founded on the basis of religion is Israel.

¹⁰ The resolution begins with "Sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust." See Appendix A for the text of the Objectives Resolution.

¹¹ The religion question in Pakistan is thus conceptually distinct from its counterpart in, say, twentieth-century China, where it has been subjected to stringent top-down regulation and management by an authoritarian state (Goossaert and Palmer 2011).

scholarship is disproportionately focused on national cases in which states have been reasonably successful in arriving at relatively stable official ideologies about religion.¹² For example, Joel S. Fetzer and Christopher Soper explain variations in state accommodation of Muslim religious practices in Britain, France, and Germany through “the *inherited* relationship between church and state in each nation.”¹³ Similarly, Ahmet T. Kuru explains variations among France, Turkey, and United States in a number of religious policy arenas through variations in secularist state ideologies¹⁴. These studies exemplify cases in which relatively stable state ideologies guide policy conflicts and outcomes. Within such lines of inquiry, national cases that cannot boast core state ideologies (typically secularist ones) are unwittingly cast away as messy and deviant cases unable to contribute to our theoretical understandings of modern religious change.¹⁵

This book demonstrates that by examining the hitherto neglected case of Pakistan, we can yield novel insights about *unsettled desecularization* as one among multiple trajectories of modern religious change that characterize our contemporary world. I make two broad arguments. The first relates to desecularization as post-secularization. While there is much debate among scholars with respect to what defines secularization and the different forms this process has taken in different historical contexts, there is an emerging consensus that its defining feature is the institutional differentiation of society into distinct social spheres such as religion, politics, economy, law, education, and so on.¹⁶ Secularization entails the emergence of “religion” as one differentiated and shrunken social sphere among many others at the same time as these other spheres are rendered autonomous from religious authorities.¹⁷

Yet it is precisely this differentiation, typically deemed essential for secularization *qua* modernization, that continues to be challenged in

¹² I discuss these interventions in more detail below.

¹³ Fetzer and Soper (2005: 16, emphasis mine). This approach is reminiscent of Rogers Brubaker’s classical study on variations in immigration policies in France and Germany, which are explained through “idioms of nationhood” (Brubaker 1992; for a critique, see Joppke and Rosenhek 2002).

¹⁴ Kuru (2009).

¹⁵ An exception is the case of Egypt, which is being deployed by an increasing number of anthropologists of Islam to critically interrogate the categories of religion, secular, and secularism. See, for example, Asad (2003: chap. 7), Mahmood (2005, 2015), and Agrama (2012).

¹⁶ Casanova (1994); Gorski (2000a). For Max Weber’s classical account of these different “value spheres,” see Weber (1958).

¹⁷ Chaves (2004).

myriad ways by different people across the globe. It is now clear that secularization is neither a ubiquitous feature of modern political life nor does it constitute the end of the political history of religion. A theorization of desecularization allows us to gain a better understanding of the ways in which people engage in sacralizing their worlds within the structural confines of the modern nation-state form. The Pakistani case points to a particular historical modality of this quest, centered on aligning political institutions and practices of governance such as democracy, elections, and constitutional law with religious norms and sensibilities. I argue that in the ensuing process of desecularization, imperatives associated with public religion, politics, and state formation are redefined and reconstituted.

My second argument is that this process may be deeply contentious. I posit that modern polities can be distinguished by whether they have settled or unsettled state–religion relations. I deploy the notion of unsettled state–religion relations to refer to those cases in which the normative relationship between religion and state formation is a deeply contentious issue and keeps arising across different time periods and in different guises. In contrast, polities in which state–religion relations are relatively settled do not grapple with *this* kind of contentious politics, having arrived at basic norms that are relatively stable and enjoy wide social consensus.

In general, contemporary societies may be undergoing secularization or desecularization processes, and both may be shaped by societal contexts that are either relatively settled or unsettled with respect to the religion question. An examination of state–religion relations in Pakistan allows us to analyze a distinct trajectory of modern religious change defined by unsettled desecularization. Furthermore, it enables us to dissect a key historical dynamic of modern public Islam – its contested and unsettled relationship with the nation-state form.

THE AHMADI QUESTION

The conceptual site of state management of religious difference is particularly significant for examining modern trajectories of religious change. For one, debates about state–religion relations are typically carried out with reference to questions about religious pluralism and difference.¹⁸

¹⁸ Zybrzycki (2006). The question of religious pluralism has also animated much discussion on possible roles of public religion in Western liberal states (e.g. Audi and Wolterstorff 1997; Connolly 2000; Habermas 2006).

The stakes of these debates are thus highest for religious minorities. Second, it is widely believed that Islamic tradition marginalizes religious minorities, thus explaining contemporary discrimination against religious groups such as the Ahmadiyya community. A political approach to desecularization dispels this notion by showing that exclusion of religious minorities emerges from the imperative of creating homogeneous nation-states and not from the authority of *sharia*.¹⁹ The Ahmadi question thus throws light on the tensions that inhere in the creation of a national and unified body politic in Muslim-majority societies.

The Ahmadi question is a controversial issue whose history is longer than that of Pakistan itself. The Ahmadiyya movement was formed toward the end of the nineteenth century under British colonial rule in India. Mirza Ghulam Ahmad (1835–1908), founder of the movement, held that he had received divine revelations from Allah and deemed himself a Prophet. Even though he upheld the supremacy of Prophet Mohammad, Ghulam Ahmad's claims were received with hostility and suspicion from the very start because they contravene the traditional Muslim belief that Prophet Mohammad is unequivocally the last prophet to be sent to earth by Allah. There are thus distinctly theological roots to the Ahmadi question.

The religious controversy began in 1891 when a group of Indian *ulema* issued a joint *fatwa* condemning Mirza Ghulam Ahmad.²⁰ The poet Muhammad Iqbal famously raised the issue of the religious status of Ahmadis in 1935 and deemed Ahmadis separate from the rest of the Indian Muslim community.²¹ The impulse toward forcibly creating a minority within the Indian Muslim community, incidentally itself a minority, was thus present prior to the independence of Pakistan. However, the colonial state's policy of religious equality ensured that hostilities directed toward Ahmadis were confined to public arenas because colonial courts unequivocally deemed Ahmadis a Muslim sect.²²

Following independence from British colonial rule in 1947, the Ahmadi question resurfaced in postcolonial Pakistan. Here, it immediately became linked with the political question of the nascent state's national and religious identity. The first explicit policy of accommodation of Ahmadis

¹⁹ See also Mahmood (2015).

²⁰ Issuance of a *fatwa* refers to the rendering of nonbinding advisory opinions by leading *muftis* (jurisconsults) or *ulema* by invoking *sharia* (Masud, Messick, and Powers 1996: 3–4). On the *fatwa* issued against Mirza Ghulam Ahmed, see Lavan (1974: 51, 60).

²¹ Iqbal (1976: 59).

²² Fyze (1964: 59–60).

was laid down by the state in 1954 in response to an organized religious movement that demanded that the state officially declare the Ahmadiyya community a non-Muslim minority.²³ This policy was radically reconfigured in 1974 in face of another such religious movement. While initially resistant, Prime Minister Zulfikar Ali Bhutto eventually placed the issue of the determination of the religious status of Ahmadis before Pakistan's first democratically elected National Assembly. The efforts of Islamists and *ulema* to turn the Ahmadi/non-Ahmadi religious distinction into a non-Muslim/Muslim political distinction bore fruition in 1974 when Ahmadis were constitutionally declared a non-Muslim minority.²⁴ Subsequently, in 1984, military General Muhammad Zia-ul-Haq promulgated an ordinance that made it a criminal offense for Ahmadis to refer to themselves as Muslims, to their religion as Islam, and to publicly practice Islam.²⁵ As noted earlier, this ordinance also did not bring an end to the vexing question of the place of Ahmadis within the Pakistani nation.

Statistically speaking, Ahmadis appear quite insignificant in Pakistan's demographic landscape. The last official census conducted in 1998 reported that around 96 percent of the Pakistani population was Muslim, and only 0.22 percent belonged to the Ahmadiyya community.²⁶ Second, Ahmadis are a politically quiescent community and are mainly oriented inward toward their own community life. Ahmadis are scattered all over Pakistan and form a majority only in the city of Rabwah (officially renamed Chenab Nagar), where the central educational, community, and religious organizations of the Ahmadiyya movement are located. The primary import of the Ahmadi question is therefore symbolic, pertaining to issues about citizenship rights, national identity, and state-religion relations in a Muslim-majority country.

Analytically, the Ahmadi question is both reminiscent of and divergent from another pivotal minority question of our modern age that has received much scholarly attention, the "Jewish question."²⁷ For example, drawing on the experience of Jews in interwar Europe, Hannah Arendt drew attention to a fundamental paradox that lies at the heart of the

²³ Lahore High Court (1954). This policy of accommodation is discussed in Chapter 2.

²⁴ Article 260, Constitution of Pakistan. See Chapter 3 for a discussion.

²⁵ See Appendix B for the full text of this ordinance and Chapter 4 for a discussion.

²⁶ See www.census.gov.pk/Religion.htm for official statistics on population breakdown by religion (accessed on December 17, 2013). Ahmadis maintain that their numbers are significantly underrepresented in the census.

²⁷ See, in particular, Mufti (2007), who draws explicit parallels between the "minoritization" of Muslims in India and Jews in Europe.

modern nation-state. On the one hand, she argued, the rise of the nation-state in France coincided with the establishment of a constitutional government that was meant to protect people from “arbitrary administration and despotism.”²⁸ The ideal of legal equality of all citizens enshrined in the Declaration of the Rights of Man and of the Citizen was designed to replace the system of privileges that characterized the preceding feudal order. It was premised on the notion of natural rights of “man” – those inalienable human rights that were to accrue to the “abstract” individual human being.²⁹ On the other hand, those rights were to be ensured by the state that would exert sovereignty in the name of the people of the nation, that is, in the name of a *particular* historical collectivity. There was thus a core contradiction at the very heart of the modern nation-state manifest in two opposing ideals – one extolling the prepolitical natural universal human rights that supposedly belong to all human beings and the other affirming the rights of the people of the nation-state, that is, of a delimited political community supposedly characterized by “homogeneity of population and rootedness in soil.”³⁰

Arendt argues that the contradiction did not immediately manifest itself, and the first impulse of the nation-state was to ensure legal equality among different groups. Thus France (in 1791) and Prussia (in 1812) enacted legislations formalizing the emancipation of Jews. However, this legal equality constantly collided with nationalist sentiments infested with anti-Semitism, as evidenced in France by the Dreyfus Affair and in Germany by the rollback of Jewish emancipation. Arendt analyzes the subsequent fate of Western Jewry through a set of interconnected histories, factors, and events: disintegration of Austro-Hungarian and Ottoman empires, the emergence and paucity of League of Nation’s minority treaties, German imperialism in the interwar years, scientific race theories, and the “tribal nationalisms” that exploded across Europe. In Germany, this was followed by the stripping away of formal citizenship rights of Jews, their statelessness and expulsion, their forced return, and finally, their movement to concentration camps. Arendt demonstrates that the condition of being stateless was absolutely crucial for the subsequent pogroms aimed at the extermination of European Jewry. Ultimately, it was only because Jews were rendered external to the German body politic or when, in Arendt’s words “the transformation

²⁸ Arendt (1968: 275).

²⁹ *Ibid.*, 291.

³⁰ *Ibid.*, 270.

of the state from an instrument of the law into an instrument of the nation had been completed" that Hitler could proceed with his pogroms.³¹

Now consider the core issue that lies at the heart of the Ahmadi question, pertaining to whether Ahmadis belong to the Pakistani nation or not. On the one hand, this question can today be answered in the affirmative by virtue of Ahmadis being formal citizens of the state. It can be argued that this entitles them to citizenship rights that are a core element of Pakistan's frequently changing constitutions.³² From this perspective, anti-Ahmadi laws are not aimed at stripping Ahmadis of basic civic, political, or social rights but merely at "protecting" prevalent Muslim susceptibilities that balk at the suggestion that Ahmadis are Muslim. It is often argued that this represents a basic commitment that any Muslim state ought to have to its majority of Muslim citizens. On the other hand, this question can also be answered in the negative by invoking the discriminatory laws that I mentioned earlier. It can be suggested that if Ahmadis were indeed full citizens, Pakistani law would not mark them out through special laws and policies. By thus marking out a specific group within the polity, furthermore, the Pakistani state potentially facilitates the conditions for its future expulsion and extermination.

The coexistence of these two realities – formal *de jure* citizenship and lawful exclusion – means that Ahmadis are suspended in a state of limbo, perched between citizenship and statelessness.³³ Conceptually, it is this in-between-ness that differentiates Ahmadis from the condition of being stateless that Arendt theorized. The Jewish question is suggestive of the perils that beset minorities in a *system* of nation-states, that is, in a system in which everyone is required to substantively belong to a political community in order to be a rights-bearing person or, as Arendt famously put it, in order to have "the right to have rights."³⁴ The Ahmadi question, however, is suggestive of the impulse to create a homogeneous nation-state that is nonetheless checked by the notion that "minorities" are an

³¹ *Ibid.*, 275.

³² These rights have frequently been "temporarily" suspended by different regimes.

³³ Margaret R. Somers draws on Arendt's notion of statelessness to analyze the economically marginalized people of the contemporary United States. Somers argues that while these "socially excluded people" hold formal *de jure* citizenship, they do not have *de facto* citizenship because they exist in "a condition of pure market exposure no longer mediated by the now absent government" (Somers 2008: 134). While I find Somers' distinction between *de jure* and *de facto* citizenship helpful for thinking about the Ahmadi question, I am reluctant to characterize Ahmadis as stateless and find it more useful to situate them in a precarious in-between location between full citizenship and complete statelessness.

³⁴ Arendt (1968: chap. 9).

integral part of any nation-state. This impulse, too, is a modern product of the establishment of a system of nation-states.³⁵

By virtue of being formal *de jure* citizens of a state, Ahmadis have a legal status and consequently do possess a right to have rights, which they have exercised, among other ways, by their frequent mobilization of courts.³⁶ However, they do not have the right to *all* the rights that full Pakistani nationals belonging to mainstream Islam do. Specifically, Ahmadis have been excluded from enjoying religious rights that other Pakistanis take for granted. The most fundamental among these is one that is considered so basic that it is implied and not explicitly articulated in formal statements about religious rights: the right to publicly declare one's religious identity.³⁷

Empirically, this book analyzes the processes through which Ahmadis came to be situated in this precarious position.³⁸ It demonstrates that the Ahmadi question has animated competing claims about the Pakistani state's ideological commitments, Islamic norms, and national identity since the country's independence despite multiple attempts by state authorities to offer a "final solution" to the Ahmadi question.³⁹

³⁵ As Arendt argues, the League of Nation's minority treaties had the effect of creating "the minority as a permanent institution", which formalized a number of assumptions that had hitherto been "only implied in the working system of nation-states, namely, that only nationals could be citizens, only people of the same national origin could enjoy the full protection of legal institutions, that persons of different nationality needed some law of exception until or unless they were completely assimilated and divorced from their origin" (Arendt 1968: 275).

³⁶ See Chapter 5.

³⁷ For example, Article 18 of the Universal Declaration of Human Rights holds: "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Note that the right to "manifest" one's "religion or belief in teaching, practice, worship and observance" is predicated on a prior right to proclaim and maintain one's religious identity in public. For only when one is allowed to publicly declare oneself, say, Buddhist, can one proceed to manifest one's Buddhism in public.

³⁸ While much emphasis has been laid on aspects of Ahmadiyya religious thought (Lavan 1974; Friedmann 1989) and marginalization of the community by the Pakistani state through both legal-constitutional and extralegal means (Gualtieri 1989; Kaushik 1996; Khan 2003), there is a dearth of studies that examine the political and cultural processes that have given rise to different state policies toward the religious and citizenship status of the Ahmadis (but see Qasmi 2014).

³⁹ During passage of the motion before the National Assembly that it consider the religious status of Ahmadis, Law Minister Abdul Hafeez Pirzada stated that his hope was to arrive at "an effective, just and final solution" to the Ahmadi question (NAPD, June 30, 1974: 1302, 1303).

The Pakistani state's distinct and historically shifting policies toward Ahmadis have emerged from within the domain of politics wherein the Ahmadi question was subjected to fierce symbolic struggles among multiple actors and for various ends. As a result of these struggles, different partially negotiated and contradictory religious policies have emerged across time that have been pivotal in shaping desecularization processes in Pakistan.

RELIGION AND POLITICS IN MUSLIM SOCIETIES

Existing scholarship on Muslim societies has approached issues of social and religious change in multiple and distinct ways.⁴⁰ The crudest perspective to emerge from this scholarship rejects the very notion of change by holding that Muslim societies have a timeless essence defined by norms and practices that stand diametrically opposed to the celebrated achievements of Western societies. Simply put, this narrative holds that there is an essence to the Islamic religious tradition that militates against universal human rights and lays the fodder for extremist anti-Western religious movements to emerge and perpetrate violence.⁴¹ In response, prominent critics such as Edward Said (1979: 3) have forcefully argued that civilizational discourses about Islam are anchored within discursive traditions that are tied with "dominating, restructuring, and having authority over the Orient."⁴² From this perspective, Western discourses about Islam – for example, about Islam's incompatibility with capitalism, Islam's supposed lack of differentiation between religious and political authority, and the distinction between "good" and "bad" Muslims – ultimately reveal more about the West itself than about Muslim societies.⁴³

⁴⁰ I deploy the term "Muslim societies" in the same spirit as Asef Bayat (2007: 2): "The designation 'Muslim societies', understood as *plural* and *concrete* entities, allows a self-conscious Muslim majority to define their own reality in an inevitably contested, differentiated, and dynamic fashion. Here the emphasis is not on Islam but on Muslims as agents of their societies and cultures, even if not of their own making. And 'culture' is perceived not as static codes and conducts but as processes that are flexible, always changing, and contested."

⁴¹ See Huntington (1993) and Lewis (1990) for two prominent examples. Huntington's prominent coinage of the "clash of civilizations" thesis has become the contemporary catchword for such narratives.

⁴² Said (1979: 3).

⁴³ On the question of Islam's incompatibility with capitalism, see Bryan Turner's illuminating study of Max Weber's sociology of religion/Islam (Turner 1974). See Zubaida (2005) for a succinct historical discussion of religious and political authority in Muslim societies

One of the ways in which such civilizational approaches exert authority is through foreclosing certain questions and lines of inquiry. For example, by situating sociopolitical realities such as discrimination against religious minorities as natural attributes of Muslim societies, they implicitly suggest that this phenomenon does not require scholarly attention. The issue, however, isn't simply the failure to attend to and historicize changes and continuities within Muslim societies.⁴⁴ More significantly, this closure results in what political theorist Bonnie Honig in another context has referred to as the "displacement of politics," that is, the analytical marginalization of the public domain in which political and cultural questions *that a society deems relevant for itself* are defined and contested.⁴⁵ Because such questions often resist resolution through existing laws and conceptions of justice, identity and religion, they effectively constitute novel public spaces of resistance, conflict and struggle that in turn shape political and legal outcomes.

In response to the generalizations implicit in the "clash of civilization" thesis, another line of inquiry has tended toward the notion of religious fundamentalism in a bid to offer more democratic critiques of Islam. Not only Islamic fundamentalists, it is argued, but also Sikh, Hindu, Christian, Buddhist, and other religious fundamentalists are equally capable of religious violence.⁴⁶ In this perspective, religious fundamentalism is a reactionary phenomenon found across religious traditions. It is premised on the rejection of secular values and is aimed at revolutionizing society. It is nonetheless an organic outgrowth of modern societies and functions as a latent force that can be capitalized on by instrumentalist religious fundamentalists. Peter Berger explains the phenomenon as follows: "Modernity, for fully understandable reasons, undermines all the old certainties; uncertainty is a condition that many find hard to bear; therefore, any movement (not only a religious one) that promises to provide or renew certainty has a ready market."⁴⁷

for both the classical and modern periods. See Mamdani (2004) on the contemporary policy-driven Western discourse on "good" versus "bad" Muslims.

⁴⁴ See Kuru (2009: 18) for a discussion.

⁴⁵ Honig (1993); also see Somers (2008: chap. 5).

⁴⁶ The most prominent project in this vein is the fundamentalism project led by Marty Martin and Scott Appleby. See Appleby (2011) for a review and critical appraisal and Emerson and Hartman (2006) for a nice review of this scholarship. On religious violence specifically, see Juergensmeyer (1993); Lawrence (1995); Sells (1998); Tambiah (1986); and van der Veer (1994).

⁴⁷ Berger (1999: 7).

The religious “market” that Berger refers to draws on a vocabulary structured by the American historical experience of choosing among religious denominations.⁴⁸ This form of public religious life and the forms of agency it authorizes, however, are distinct from those in Muslim societies.⁴⁹ Furthermore, with respect to the condition of “uncertainty” that Berger alludes to, we can note that uncertainties caused by shifts in moral orders can be of several varieties and may yield “multiple ideological responses” that need to be investigated through close historical analyses.⁵⁰

It is incontrovertible that religious extremists who perpetrate violence are highly disruptive both nationally (Pakistani Taliban) and globally (Al-Qaeda). The issue, then, is not that religious violence is not an important element of contemporary realities but that there are identifiable political, and often self-perceived ethical, dimensions to such activities.⁵¹ However, religious fundamentalist approaches are premised on an a priori assumption about the social import of radical extremists. The spectacular violence that such groups are able to perpetrate brings them much visibility that overshadows local religious actors engaged in national projects of political and religious change. As multiple scholars have noted, most religious actors in Muslim societies are mainstream Islamist parties and religious groups engaged in electoral politics, political claims making, and popular mobilization.⁵²

Let us return to our opening example of the attacks on Ahmadi mosques in 2010. One approach to the question of religious resurgence in Muslim societies might lead us to focus centrally on the Pakistani Taliban and related sectarian groups such as the *Sipah-e-Sahaba* and *Jaish-e-Muhammad*.⁵³ But if we restrict our gaze exclusively to these groups

⁴⁸ Finke and Stark (1992).

⁴⁹ This point is forcefully suggested by Saba Mahmood’s (2005) discussion of the Women’s Mosque Movement in Egypt, but see Green (2011) and Iqtidar (2011: chap. 3) for a different perspective.

⁵⁰ Wuthnow (1989: 156–9).

⁵¹ On the latter, see Devji (2005); Euben (1999).

⁵² Ayoob (2007); Bayat (2007); Euben and Zaman (2009); Hirschkind (2007); Kandil (2011); Roy (1994); Wickham (2002); Wiktorowicz (2004). Within Islamist movements, we may differentiate between those that take a directly confrontational stance toward the state and those that operate nonconfrontationally through the electoral system (the same movement may switch between the two). Furthermore, we may differentiate between movements that have a realistic chance at winning elections and those that do poorly in elections and consequently reorient themselves toward shaping policy directions of the state through mobilizing around specific issues.

⁵³ Zaman (2002).

and situate them outside the domain of politics, we will altogether miss how the genealogy of the politics of religious difference in Pakistan set the conditions of possibility for this attack. This restricted focus will also detract from national questions and anxieties about state–religion relations that surround the Ahmadi question and crystallize in the sphere of nationalist politics. Contrary to assertions that Islamist parties are either antinationalist or supranationalist but never nationalist because their religious politics is supposedly oriented principally toward “religion” and not the “nation,”⁵⁴ I contend that much Islamist politics can only be understood by critically interrogating how the nation-state figures in the social imaginary of Islamist parties.

A third line of inquiry has addressed themes of religious reform and resurgence in Muslim societies.⁵⁵ This body of literature contains multiple orientations that emphasize different time periods, places, actors, and processes. Consequently, there is no one theory of religious reform and resurgence in Muslim societies but general trends. Among these, one line of inquiry has focused on symbolic politics around religion. For example, Dale F. Eickelman and James Piscatori have emphasized the importance of Muslim politics, defined as “the competition and contest over both the interpretation of [religious] symbols and control of the institutions, formal and informal, that produce and sustain them.”⁵⁶ Muslim politics, they argue, is as much a struggle over “people’s imaginations – habits of the mind, the heart, and of public space” as it is over “groups, institutions, states, and resources.” Deploying a range of examples from across the Muslim world, Eickelman and Piscatori demonstrate the importance of the cultural dynamics of political change that unfold in nationally specific contexts and entail struggles over boundaries between “public and private, government and civil society, obligatory and forbidden, moral and immoral.”⁵⁷ In this perspective, the primary aim of political and religious leaders is to “manipulate symbols” so that they can contest the locus of

⁵⁴ For example, Brubaker (2012: 13–15). For a contrasting view, see Friedland (2001).

⁵⁵ The bulk of this literature has examined “political Islam,” especially the writings of prominent Islamists, Islamist movements, and/or political parties (March 2015). An important subset of this work is focused on global and transnational dynamics of “globalized Islam” (Roy 2004). Another prominent line of inquiry has critically examined issues of Islam, Muslim women, and gender (e.g. Göle 1996; Mahmood 2005). A third line of inquiry has scrutinized the relationship between Islam, democracy, secularism, and state formation (e.g. An-Naim 2008; Asad 2003; Hefner 2000; Nasr 2001).

⁵⁶ Eickelman and Piscatori (1996: xv). Also see Hefner (2005) and Salvatore and Eickelman, eds. (2004).

⁵⁷ Eickelman and Piscatori (1996: 18).

modern “sacred authority.”⁵⁸ Furthermore, ordinary citizens who join Islamist movements do so because they are easily manipulated owing to their economic deprivation in society. Moreover, if an economically well-off person joins an Islamist movement, he or she must feel a sense of deprivation vis-à-vis Western developed societies.⁵⁹

A conceptual vocabulary centered on manipulation, instrumentality, and deprivation, however, is unnecessarily restrictive and ultimately has the effect of analytically marginalizing the symbolic and meaning-making dimensions of Muslim politics. Specifically, it forecloses the multiple meanings that an engagement with Muslim politics holds for different social actors. With respect to the Ahmadi question, for example, nearly the entire corpus of scholarship on Pakistani state relationship with Islam has tended to view the Ahmadi question in precisely these terms, regarding it as a by-product of the state’s attempts at using Islam as a political tool for its own ends. While there is much truth to this assertion, the Ahmadi question has a much broader national significance because it taps into core concerns of multiple social, religious, political, and state actors about the practical meanings of a Muslim nation-state, defining citizenship in such a state, and the state’s normative commitments toward Islam.

If the goal of our scholarly inquiries is to engage with societies on their own terms so that we can more fruitfully explain processes of social change, we need to develop analytical frameworks that allow us to draw forth how different social actors themselves define situations, frame their concerns, struggle to make these hegemonic, and perceive their own interests and actions. From this perspective, religious resurgence can be more aptly defined as “a political contestation of the fundamental contours and content of the secular and the sacred, a contest that signals the disruption of pre-existing standards of what ‘religion’ is and how it relates to politics.”⁶⁰ This conceptualization explicitly incorporates religious struggles over nationally salient issues *within* the fabric of public and political life. An examination of long-term trajectories of religious change suggested by this approach productively questions the sharp duality between the secular and the religious that gets inscribed onto the temporal narrative of religious resurgence – a (good) secular phase followed by

⁵⁸ *Ibid.*, 65, 59.

⁵⁹ *Ibid.*, 109–10. Note that this strictly objectivist view of participation can only be imputed to social actors as it is unable to correspond to how actors perceive the meanings of their own actions.

⁶⁰ Hurd (2007b: 3).

a (bad) religious phase.⁶¹ Furthermore, it leads us away from tropes of instrumentality, manipulation, and reaction that surround much work on religious politics, pointing instead to the lived political interests and cultural stakes that develop for social actors as they struggle to impact state-sanctioned boundaries between religion and secular, private and public, moral and immoral.

Overall, approaches that emphasize political and symbolic contestations over religion are extremely useful for setting us on road to inquiring into modern trajectories of religious change. When and how this symbolic politics is successful in defining official religious policies is a distinct question. To address it, we need frameworks that not only incorporate the state within explanations of religious change but are also sensitive to historical and shifting configurations among religion, nation, and state in particular national contexts.⁶² This is one of the central contributions of this book. Instead of exclusively focusing either on abstract and descriptive top-down Islamization processes undertaken by state authorities or symbolic contestations in the public sphere, this book examines state-society interactions in political fields through which norms about religion, secularism, and national identity are put forth, debated, contested, renegotiated, and implemented. Before elaborating a framework for analyzing these processes, I first turn to the burgeoning literature on modern secularism and secularization processes to explore its overarching orientations and silences.

CONCEPTUALIZING RELIGIOUS CHANGE: A COMPARATIVE FRAMEWORK

The study of modern secularisms and secularization processes is undergoing a renaissance across scholarly disciplines.⁶³ While historical processes of secularization have long held special significance for sociologists of religion of the United States and Europe, the current scholarly conversation is increasingly becoming more comparative, interdisciplinary, and displaced from its historical focus on Western societies. One result of these endeavors is the crystallization of new approaches that question some of the core hypotheses of older

⁶¹ Asad (2003).

⁶² For an elaboration of this point, see Zubrzycki (2010).

⁶³ See Gorski and Altinordu (2008) and Edgell (2012) for reviews of recent trends in scholarship on secularization theory and cultural sociology of religion, respectively.

secularization theory that posited a decline in the influence of religion in individual, social, and political realms with increasing modernization.⁶⁴

For example, Jose Casanova distinguishes between three propositions within classical secularization theory – secularization as religious decline, secularization as differentiation, and secularization as privatization.⁶⁵ Casanova argues that only the differentiation dimension, which posits the functional differentiation and emancipation of social realms such as state, economy, and science from the religious sphere, holds up to critical scrutiny.⁶⁶ In a similar vein, Philip S. Gorski argues that the common core of numerous theories of secularization processes is “what might be called the differentiation thesis: They all argue that religious and non-religious institutions have become increasingly differentiated over time, at least in the modern West.”⁶⁷ Ultimately, Gorski makes a case for “historicizing the secularization debate” by examining the “character” as opposed to the “level” of religious change.⁶⁸

Other scholars have focused on the historical evolution of categories of religion, secular, and secularism, in the processes scrutinizing the social and political imaginaries that structure and enable modern forms of religious belief and disbelief.⁶⁹ For example, Talal Asad has questioned the conceptual autonomy of secular and religious spheres in secularization theories. Asad notes that secularism is not a neutral political ideology but an element of modern “statecraft” through which “the secular” and “the religious” emerge as mutually constitutive categories that are managed by the modern nation-state to “mediate people’s identities, help shape their sensibilities, and guarantee their experiences.”⁷⁰ At the same time, Asad proposes crucial “outstanding” questions pertaining to the triangular relationship between religion, secularism, and the modern nation-state:

⁶⁴ For classical statements on secularization thesis, see Comte (1988 [1858]: 149–80), Berger (1967), and Martin (1978). The emerging, but by no means uncontested, consensus about our “postsecular” age is neatly encapsulated in Habermas (2008).

⁶⁵ Casanova (1994: 7).

⁶⁶ Philip S. Gorski (2000a: 141) has surveyed the field of secularization theory and argued that there have been “a family of theories of religious change, some of which posit religious decline, and some of which do not.”

⁶⁷ Gorski (2000a: 140).

⁶⁸ *Ibid.*, 143.

⁶⁹ Asad (1993, 2003); Gauchet (1999); Taylor (2007).

⁷⁰ Asad (2003): 3, 14. It can be reasonably argued that not only secularism but all religious ideologies linked to modern states are similarly aimed at this exercise of disciplinary power.

"How, when, and by whom are the categories of religion and the secular defined? What assumptions are presupposed in the acts that define them?"⁷¹

All these reformulations have critically questioned monolithic and deterministic secularization theories upheld by modernization theories and have defined new scholarly agendas for the study of modern religious change.⁷² As a result, there is now a more sustained engagement with institutional, political, social, cultural, symbolic, and legal processes through which categories of religion and secularism have emerged and become embedded in modern individual lives, societies, politics, intellectual traditions, and international relations.⁷³ There is also an increasing consensus that not only the United States and Europe but also non-Western national cases, of which India and Turkey are prominent examples, have something to contribute to our understandings about modern secularization processes.⁷⁴ In other words, Western secularisms and secularization processes (in the plural) are being interrogated anew,⁷⁵ and national cases lying outside the Anglo-American and European continental world are entering comparative discussions on political secularisms and secularization processes.

Settled and Unsettled Contexts

The above-mentioned scholarship nonetheless remains disproportionately focused on the study of national cases in which states have been reasonably successful at authorizing concrete principles of secularist state-religion relations. These principles are usually referred to as

⁷¹ *Ibid.*, 201.

⁷² See Hadden (1987), Stark (1999), and Finke and Stark (1992) for critiques of secularization theory based on American and European religious experiences. See Norris and Inglehart (2004) for a defense of the classical secularization thesis that modernization leads to a decline in the social importance of religion. See Bruce (2002) for another defense of the religious decline thesis in both Europe and the United States.

⁷³ Agrama (2012); Asad (1993, 2003); Hurd (2007a); Gauchet (1999); Gorski (2003); Masuzawa (2005); Sullivan (2005); Taylor (2007).

⁷⁴ On Turkey, see Göle (1996). Also see Kuru (2009) for a comparative study of the United States, France, and Turkey. On India, see Bhargava (1999). Essays on India and Turkey are increasingly appearing in edited volumes on religion and secularism. See, for example, Scott and Hirschkind (2006), Cady and Hurd (2010), Calhoun, Juergensmeyer, and Van Antwerpen (2011), and Dressler and Mandair (2011).

⁷⁵ See Calhoun, Juergensmeyer, and Van Antwerpen (2011) for a survey of current debates and directions. These essays also point toward other emerging cases, notably China and Indonesia.

“religious ideologies” or “secular settlements.” Scholarly literature now abounds with studies in “varieties of secularism,” but the paradigmatic cases are typically limited to the United States, France, Turkey, and India.⁷⁶ The Establishment Clause and the Free Exercise Clause in the Constitution of the United States, French *Laïcité*, Turkish secularism instituted by Kemal Atatürk, and the Indian state’s accommodation of public religion through a policy of equidistance define the main varieties of secularisms that can, will, or should be adopted by other states.⁷⁷ Consequently, there is much work on how these ideological cores came to be historically defined as well as on the relative merits and flaws of these various “models.”⁷⁸

Within this analytical scheme, national cases undergoing perennial struggles to arrive at ideological settlements of state–religion relations are unwittingly cast away as messy cases unable to contribute to our theoretical understandings of global religious change. This leads to significant omissions because struggles to arrive at authoritative settlements are a defining feature of much national-level political life. These omissions are doubly unfortunate because analyses of excluded cases can yield novel theoretical insights about the multiple modern trajectories of religious change.⁷⁹ This book’s focus provides correctives to this lacuna by proposing an analytical lexicon that can be used to bring hitherto neglected national cases into comparative discussions.

To this end, I first propose that we distinguish between two types of national contexts with respect to the question of state–religion relations – *settled* and *unsettled*.⁸⁰ Settled state–religion relations prevail in national

⁷⁶ The term “varieties of secularism” refers to Warner, VanAntwerpen, and Calhoun’s edited volume, *Varieties of Secularism in a Secular Age* (2010), which, despite its title, is exclusively focused on Taylor’s *A Secular Age* (2007).

⁷⁷ Cady and Hurd (2010) facilitate a comparative examination of these four cases in their edited volume.

⁷⁸ See, for example, Stepan (2000) on the “twin tolerations” approach and Bhargava (2013) on Indian state’s “principled distance” approach. Also see essays by Asad and Casanova in Scott and Hirschkind (2006) on the normative underpinnings of Casanova’s defense of public religion.

⁷⁹ Casanova (1994) and Martin (2005) are important exceptions because their secularization theories are crucially developed through nontraditional Western cases such as Poland and Brazil.

⁸⁰ Within the discipline of sociology, the settled/unsettled binary typically refers to Ann Swidler’s distinction between settled and unsettled societal contexts (Swidler 1986). In her highly influential essay on the topic, Swidler is concerned primarily with the question of how culture matters for strategies of individual and collective action in settled versus unsettled time periods, that is, during periods of social stability versus social

cases that have arrived at relatively stable and widely accepted official ideologies about religion. In such cases, public arenas may certainly witness bitter and acrimonious debates on religious issues that may, in turn, be carried over into legislatures and courts. However, conflicts typically remain centered on interpretations of core ideological principles that are already in place. These function to provide a shared language for adjudicating among these different interpretations. In contrast, national contexts characterized by unsettled state–religion relations are beset by frequent and bitter sociopolitical struggles over fundamental ideological principles.

In general, whether a polity enjoys settled or unsettled state–religion relations is entangled with the nature of official ideologies about religion, in particular, whether they are concrete or ambiguous in nature. I deploy the notion of “concrete ideologies” to refer to ideologies that provide practical and enforceable norms for adjudicating social conflicts and forming policies.⁸¹ “Ambiguous ideologies,” in contrast, are typically couched in loose and transcendental language and are either not aimed at or are unable to provide concrete principles for adjudicating social conflicts and forming policies. In these cases, religious ideologies are typically pronounced in constitutional texts in a bold yet legally vague manner.

Nathan Brown has elaborated this feature of ideological vagueness by analyzing constitutions in Arab countries.⁸² Brown argues that “such proclamations may be sincere when issued but are too vaguely worded to bear much legal weight; they are not designed to limit the government. Instead they serve notice that an ideological orientation represents not a transient policy direction but a defining feature of the state.”⁸³ In such cases, the “ideological and programmatic nature [of the constitution] overwhelms its substantive and procedural content.” Similarly, Said

transformation. Another use can be traced to Bourdieu’s field theory (I will turn to field theory in detail later). My deployment of the settled/unsettled distinction combines elements of both these existing usages. From Swidler, I derive the important insight that *societal contexts* can be usefully conceptualized as being either settled or unsettled. From Bourdieusian field theory, I derive the insight that specific social fields – for example, the literary field, artistic field, and academic field – may be settled or unsettled with respect to dynamics internal to the field (e.g. Steinmetz 2007: 52). I draw inspiration from both these uses to offer yet another way of deploying the settled/unsettled distinction: how a core society-level issue (in the present case, the normative relationship between state and religion) that jurisdictionally falls within the purview of a specific social field (the political field; more later) may or may not find an authoritative resolution, thus leading to either a settled or unsettled societal context *with respect to* a field-specific issue.

⁸¹ See *supra* note 13.

⁸² I propose that this feature may be present more generally across national cases.

⁸³ Brown (2002: 11).

Amir Arjomand characterizes such constitutions as being “stuck in the ideological mode” and lacking “normative coherence.”⁸⁴ Arjomand differentiates these “ideological constitutions” from those that emerged in the era of new constitutionalism (after 1989) that are beholden to “the normative idea of the coherence of the constitutional order.”

I hypothesize that in national contexts that have unsettled state–religion relations, religious ideologies are more likely to be ambiguous. Consequently, we can expect that policies will be formed in response to situated and historically specific political struggles and not through recourse to binding legal norms because the latter themselves are likely to be an object of political struggle.⁸⁵ In contrast, national contexts characterized by settled state–religion relations are more likely to have concrete religious ideologies anchored in constitutional texts, elaborate supporting policies, and extensive jurisprudence.

The distinction between settled and unsettled state–religion relations allows us to think comparatively about different national cases at well as the same national case across different time periods. Certainly struggles, contestations, and conflicts over state–religion relations are an integral part of modern political life everywhere. There is also, analytically speaking, an inherent affinity between settled and unsettled state–religion relations because the former typically follows the latter. Furthermore, politics may easily slip from settled to unsettled contexts in the face of novel

⁸⁴ Arjomand (2003: 10, 14). Scholars of constitutions and constitutional law have proposed a host of distinctions that overlap with this notion. These include, among others: *descriptive* constitutions that seek to define and stabilize the concrete functioning of the political order (usually authoritarian) versus those that are normatively committed to constitutionalism and the rule of law; *sham* constitutions that include constitutionalism as a normative principle in their texts but without a commitment to actualizing it versus *operative* ones that seek to actualize it; *liberal*, *illiberal*, and *mixed* constitutions (and constitutionalism); *effective* versus *ineffective* constitutions; and *normative*, *nominal*, and *semantic* constitutions (Grimm 2012; Thio 2012; Tushnet 2012). Constitutions that proclaim their affinity with Islam, either nominally or substantively, are typically designated as Islamic constitutions/constitutionalism (e.g. Arjomand 2007). More broadly, Ran Hirschl (2010) has deployed the term “constitutional theocracies.”

⁸⁵ However, this can only transpire if there is a relatively open democratic space for conflicts to emerge. In nondemocratic contexts, conflicts over fundamental state–religion norms may not find a political outlet and may lie dormant until a political opening presents itself. This was clearly exemplified by the case of Egypt in the wake of the Arab Spring, especially after Hosni Mubarak’s ouster from state power. The democratic entry of the Muslim Brotherhood into the political arena launched acrimonious and highly polarizing constitutional and public debates over fundamental normative questions about Egypt’s religious ideology that have yet to be settled. The subsequent takeover by General Abdel Fattah al-Sisi has had the effect of closing the political space of religious debates.

events, contingencies, and imperatives. My distinction, then, serves as an analytical continuum and is meant to highlight differences of degree rather than kind. In general, however, I propose that in settled national contexts, concrete religious ideologies provide the fundamental norms and the key terms of political discourse through which contentious religious questions are articulated, debated, legislated, and adjudicated. Unsettled contexts are characterized by ambiguous religious ideologies couched in loose, transcendental language that do not provide practical norms and directives for instituting policies.

From Secularization to Desecularization

This leads me to my second proposition. Secularization is neither a ubiquitous feature of modern political life, nor does it constitute the end of political history of religion. A significant number of states have either resisted secularization processes or have sought to systematically fold religious norms into processes of nation and state formation (Egypt, Iran, Israel, Pakistan, and Saudi Arabia, to name a few). We may thus speak of two modern trajectories of religious change – secularization and desecularization. In deploying the term desecularization, I do not mean to suggest that secularization processes are reversible in the sense of restoring a bygone “enchanted” world.⁸⁶ Nor is it my suggestion that the two are empirically discrete processes representing distinct historical phases. I argue that both are a product of a world that is differentiated into multiple relatively autonomous institutional spheres that are mutually constituted and governed via the sovereign and disciplinary powers of modern nation-states.⁸⁷

As noted earlier, the differentiation thesis defines one of the core dimensions of modern secularization processes. Casanova thus argues that secularization is entirely consistent with public religion. Religion enters the public sphere “to participate in the very struggles to define and set the modern boundaries between the private and public spheres, between system and life-world, between legality and morality, between individual and society, between family, civil society, and state, between nations, states, civilizations, and the

⁸⁶ While I agree that the etymology of the term suggests a reversal, I adopt it because of the lack of a better term. I hope my conceptualization will trump the awkwardness of the nomenclature.

⁸⁷ Asad (2003); Gorski (2003).

world system.”⁸⁸ While deprivatization does “amount to a certain reversal of what appeared to be secular trends,” it nonetheless leaves the core of secularization theory, the differentiation thesis, untouched.

We should note that in numerous societies, of which Pakistan is a primary exemplar, religion has *always* been public, struggling to shape political institutions and public norms. How do we characterize such instances when religious norms become entangled with politics, such as, for example, when a particular religious identity is upheld in constitutional laws? Or consider instances in which a secular body of positive law comes to incorporate some laws shaped by religious considerations, such as, for example, Israel’s law of return and anti-Ahmadi laws in Pakistan.⁸⁹ Similarly, how do we analytically account for the increasingly frequent electoral successes of religious parties within formally secular and democratic frameworks? And last but not least, how do we account for religious norms and practices that visibly inform public rhetoric and practices of politicians? In short, how do we conceptualize instances where public religion enters politics and the state while leaving the basic structural differentiation that characterizes modern societies intact?

The notion of desecularization as post-secularization is useful precisely because it allows us to theorize about the complex processes through which some features of modern political life become linked to religion, constituting new understandings of religion, nation, and state in the process. I define desecularization as a historically contingent and instituted process whereby religious norms become selectively entwined with the political sphere such that the latter retains its autonomous logic. Constitutional texts absorb religious commitments while retaining their primary function of defining norms governing relations between the state and its citizens. Official nationalist discourses draw on a religious identity in the service of national citizenship laws. Public claims making becomes increasingly infused with religious considerations, further consolidating the authority of the state to regulate the boundaries between religious and secular spheres. Politicians factor in religious considerations of various hues while formulating policies. Judges develop novel religious norms in the course of juridical reasoning.

In proposing this notion of desecularization, my aim is to draw on above-mentioned revisions of secularization theory to theorize

⁸⁸ Casanova (1994: 6).

⁸⁹ Joppke and Rosenhek (2002).

processes of religious change that are not fully captured by secularization processes but are crucially defined through them.⁹⁰ Just as secularization does not (necessarily) entail a “disenchantment of the world,”⁹¹ desecularization does not entail an erosion of the secular disciplinary and symbolic powers of the nation-state, which may in fact be further strengthened through it.

Desecularization is an instituted process, typically centered around the state and entailing specific actors, interests, practices, and discourses through which the political importance of religion is reflected, reformed, and transformed over time. Desecularization is neither reducible to “essential” features of religion nor to always-already-present religious zeal. Consequently, it is never inevitable and cannot be analyzed through teleological frames. It is a manifestation of central modern imperatives of state formation – defining, rationalizing, and containing religion – in one set of societies in which citizens hold convictions about significance of religion in shaping political, institutional life. Certainly both secularization and desecularization are political processes that relationally link particular conceptions of religion with state and politics. Desecularization, however, connotes processes that emerge when social actors seek to efface the perceived distance between “religious” and “secular” domains.

Secularization and Desecularization: Theoretical Locations, Historical Forms

I will now bring together the preceding propositions and distinctions to offer a schematic comparative framework for examining modern trajectories of religious change. I argue that both secularization and desecularization processes can be characterized by settled or unsettled state–religion relations. Combined, we can construct four ideal-types of modern trajectories of religious change – “settled secularization,” “settled desecularization,” “unsettled secularization,” and “unsettled

⁹⁰ Within sociology of religion, there have been no attempts at historicizing the relationship between religion and politics in Muslim societies via this lens. Although Peter Berger (1999) deploys the term “desecularization,” he treats it synonymously with “countersecularization,” a reactionary process aimed at revolutionizing society through physical violence if necessary. Consequently, I have placed Peter Berger within religious fundamentalism approaches earlier. See Saeed (2013) for an alternate approach deployed here.

⁹¹ Weber (1976).

TABLE 1.1 *Trajectories of Modern Religious Change at Any Given Moment*

Nature of state–religion relations	Direction of religious change		
	Secularization		Desecularization
	Settled	Settled secularization	Settled desecularization
	Unsettled	Unsettled secularization	Unsettled desecularization

desecularization”⁹² (see Table 1.1). My aim is not to comprehensively develop these ideal-types, a task that no doubt would require a different type of study. I propose these four typologies as highly suggestive heuristic devices for beginning a comparative and historical discussion of the multiple modern trajectories of religious change. I also seek to situate the type of religious change exemplified by Pakistan within current scholarly conversations on modern secularization processes.

First consider the “settled secularization” ideal-type. This refers to national cases in which relatively stable and concrete ideologies of state secularism were achieved at identifiable historical moments. These ideologies are enshrined in constitutional texts and jurisprudence and have shaped subsequent national debates, contestations, and negotiations.⁹³ The most prominent cases within this typology include critical periods in modern France, the United States, Turkey, and India. As Linell E. Cady and Elizabeth Shakman Hurd argue, secularisms in these countries are not “disembodied ideas and visions, but ways of life, disciplinary practices, habits and sensibilities associated with various formations and traditions of secularism, many of which have become a heated battleground for religious-secular politics.”⁹⁴ In other words, these polities *do* routinely

⁹² “Ideal-types” are sociological constructs that aim to arrive at a “theoretical differentiation” such that any one type incorporates all logical elements that can inhere within it. Ideal-types do not represent social averages or actually existing historical forms, but abstractions that can serve as theoretical yardsticks for comparisons (Weber 1978: 20).

⁹³ It is by now a foregone conclusion that before becoming settled, state–religion relations in these polities were unsettled. It follows that settled relations may become radically unsettled as a result of historical contingencies. These ideal-types thus contain a strong temporal dimension. My aim is not to force any national case once and for all in any one type or even to suggest that where a country belongs in this schema is always clear-cut but to suggest that these different ideal-types offer conceptual resources for thinking about religious change within and across national cases.

⁹⁴ Cady and Hurd (2010: 6).

undergo social struggles over the meanings and boundaries of secular and religion contained within their respective state ideologies. The public resonance of debates over abortion laws in the United States,⁹⁵ headscarves in France and Turkey, and the extent to which the Indian state should interfere in the illiberal mores of religious communities indicate that settled state ideologies have to be continually reinterpreted and their meanings negotiated anew. But these debates, bitter and acrimonious as they might be, are centered on concrete ideologies of secularism that provide the key terms of political discourse through which these struggles unfold.⁹⁶

Modern religious states such as Iran and Saudi Arabia also have settled state–religion relations. They form the paradigmatic cases of the “settled desecularization” ideal-type. In these countries, processes linking religion and the state have proceeded through core official ideologies – Wahhabi Islam in Saudi Arabia and postrevolutionary Islamic Republic ideology in Iran. These provide concrete and explicit policy norms that govern areas such as citizenship and public ethics. These ideological settlements were instituted at specific historical moments and have endured since, no doubt due in part to the authoritarian nature of their states.⁹⁷

These countries, too, are rife with cultural struggles over the boundaries between religious and political domains. In Iran, however, neither a general trend toward post-Islamism nor instances of resistance such as the Green Movement that arose after the 2009 presidential elections have led to a popular resistance against the norm of a religious polity. Pro-reformists have instead questioned the *ways* in which a specific state-sponsored religious ideology facilitates political authoritarianism. It is nonetheless entirely feasible that, depending on political opportunity structures, a new ideological settlement reflecting aspirations toward

⁹⁵ Interestingly, while abortion is framed as a “religious” issue in public and political debates, US courts consider it a Fourteenth Amendment issue (pertaining to its Due Process Clause protecting right to life) and not a First Amendment issue (pertaining to the Establishment Clause that defines legitimate state–religion relations). See Cummings (1989).

⁹⁶ Notice, for example, that neither the Bharatiya Janata Party (BJP) in India nor President Recep Tayyip Erdoğan of Turkey have thus far advocated an abandonment of secularism as a state ideology. Rather, they seek reinterpretations of this ideology to enhance the presence of religion – Hinduisim in India and Islam in Turkey – in public and political life. I elaborate this point further in the concluding discussion of this study.

⁹⁷ See Arjomand (1989) on Iran and Al-Rasheed (2007) on Saudi Arabia.

democracy, freedom, and equality and delinked from religion will emerge in Iran.⁹⁸

In Saudi Arabia, a clearly defined official Wahhabi ideology has come under contestation from two opposite sides during the last decade and especially in the post-9/11 period. The first comes from ultra-Wahhabi antistate militants who are sympathetic to the Afghani Taliban and Al-Qaeda and espouse Islamic militancy against all infidel "Others" by drawing on Wahhabi religious tenets themselves. The second is a socially progressive religious dissent that seeks greater political and social liberalization on the basis of Islamic principles. However, given the extremely authoritarian nature of the absolute monarchy in Saudi Arabia and the conservative nature of Saudi Arabian society, it is difficult to gauge the extent to which either official religious ideology or these various dissenting voices enjoy social legitimacy.⁹⁹

Let us look now at some unsettled cases. There are a significant number of secular countries in which religious actors continuously strive to shape politics and state policies on the basis of their religious commitments. This, for example, is the case in Israel. Since its inception in 1948, Israel has been officially defined as "a Jewish and democratic state." The search for a hegemonic synthesis of these terms nonetheless continues to be a feature of political life. The Israeli ruling elites have historically sought to shape this synthesis through a secular settlement. In this vein, the Supreme Court of Israel works hard to retain what it considers an appropriate distance between religion and the state. At the same time, factors such as the increasing electoral significance of the ultra-Orthodox religious parties and the political salience of issues such as the conscription of ultra-Orthodox Jews into national service and the ability of women to pray at the Western Wall on par with their male peers point to the unsettled and tenuous nature of secularization processes in Israel.¹⁰⁰ I term such cases in which public religion perpetually contests and challenges secularization processes as those of "unsettled secularization."¹⁰¹

⁹⁸ See Bayat (2007) on post-Islamism in Iran and essays in Hashemi and Postel (2011) for discussions of the Green Movement.

⁹⁹ On religious dissent in Saudi Arabia, see Al-Rasheed (2007).

¹⁰⁰ See Hirschl (2010: 139–51) on the Israeli Constitutional Court. See Friedman (1993: 93) on the issue of conscription and ultra-Orthodox Jews more broadly in Israel. See Shelef (2010) on the deepening polarization, communalization, and politicization of secular and religious identities in Israel.

¹⁰¹ Another prominent example includes Indonesia. While the Suharto era (1967–88) was able to generate relatively settled principles of state–religion relations, the post-Suharto

This brings me to my last and, for the purposes of this book, central ideal-type of “unsettled desecularization.” As noted earlier, the structural differentiation of society into different autonomous spheres does not constitute the end of the political history of religion. Iran is a paradigmatic example of a state that has systematically folded religious norms into a constitutional and quasi-democratic state structure.¹⁰² The postrevolutionary constitution clearly laid down concrete normative principles that have served as the basis for forming second-order religious policies. In other cases of desecularization, of which Pakistan is the prime example, specific religious norms become intricately entwined with the differentiated sphere of politics through ad hoc political struggles around nationally salient public issues. In such cases, it is the nature and outcomes of these various grounded struggles, and not an authoritative policy-yielding official religious ideology, that shape desecularization processes. The trajectory of unsettled desecularization thus defines those national cases in which religion has been selectively folded into political life but in ways that are continually contested from various quarters.

To sum up: in some countries, political and symbolic struggles abound among social actors who proffer radically different answers to the question of the place of religion in political life. This is the case in countries as diverse as Pakistan, Egypt, and Israel, where deep polarization among different social and political actors keeps foundational questions about state–religion relations perpetually alive. These struggles suggest that the mere presence of official religious ideologies does not provide adequate directives for the variety of politically salient issues around religion that routinely occupy state authorities, courts, political parties, and ordinary citizens. In such cases, it is likely that both the direction and nature of religious change are fundamentally unsettled. Next, I propose a framework for analyzing politics of religious change in such polities, of which Pakistan is an exemplar.

A POLITICAL APPROACH TO DESECULARIZATION

The aim of this study is to analyze how a historically distinct trajectory of religious change defined by unsettled desecularization has emerged and evolved over time in Pakistan. Based on her analysis of secularization

era brought to the fore latent social conflicts that preexisted the founding of independent Indonesia. See van Bruinessen (2002).

¹⁰² Arjomand (2009).

processes in another unsettled context, post-Communist Poland, Geneviève Zubrzycki argues that secularization “does not mean very much as a theoretical tool until it is operationalized within a given articulation of nationness.”¹⁰³ From this perspective, whether the nation will be defined with reference to religion or not or whether religious authorities will be assertive in the public sphere or exclusively minister to the “private” faiths of citizens is an outcome of processes that unfold in given national contexts with particular histories. The general thrust of this argument is equally applicable to desecularization processes.

At the same time, it is possible to suggest analytical frameworks that capture general processes and mechanisms through which modern trajectories of religious change are formed. In what follows, I develop a political approach for examining modern desecularization processes with a special focus on Muslim polities undergoing democratic transitions. I situate political conflicts and struggles at the center of the analysis. My approach identifies three interlinked sites of inquiry that are central to understanding trajectories of religious change anywhere: politics, national identity, and law. I do not approach these as static elements with defined characteristics. I instead take a historically grounded inductive approach and analyze these as dynamic conjunctural and contingent processes – *doing* politics, *defining* national identity, and *forming* and *interpreting* laws.

Political Fields

This book builds on Pierre Bourdieu’s notion of political fields for capturing shifting dynamics of political and cultural conflicts in Pakistan. “Social fields,” as defined by Bourdieu, are inherently spaces of competition and thus provide us with a particularly useful framework for analyzing social conflicts and their outcomes.¹⁰⁴ Social fields are sites of struggle over different forms of capital – economic, political, cultural, symbolic, and others – that can be potentially converted into each other. The primary stake is the acquisition of the form of capital specific to that field – artistic credentials in the art field, authority to interpret the law in the juridical

¹⁰³ Zubrzycki (2010: 615).

¹⁰⁴ Bourdieu and Wacquant (1992: 19, 97). For a critique of the logic of competition for dominance that is central to Bourdieu’s notion of fields, see Friedland (2001). My understanding of conflict and competition, however, is informed by theories of agonistic politics that hold that the domain of politics proper is defined by conflict, contests, and competition (Mouffe 2000).

field, and so on. The aim of actors is to shape the “visions and divisions” – the objective hierarchies of positions and the cultural narratives that imbue these hierarchies with social legitimacy – that define the field.¹⁰⁵

Based on this conception of social fields, Bourdieu argues that the “political field” is the social space in which struggles over political power take place.¹⁰⁶ Because Bourdieu develops his framework based on Western democratic societies, politics for him means formal democratic politics, and “political field” refers to the formal sphere in which political parties vie with each other. The primary activity in the political field consists of struggles over mobilization of groups, a process that entails *creation* of competing “political products, issues, programmes, analyses, commentaries, concepts and events.”¹⁰⁷ In this framework, citizens are “consumers” and choose among different political “products” on offer. At stake for political parties is the acquisition of political capital, or the ability to win votes. Political jockeying among different political parties sets the limits to “the universe of political discourse, and thereby the universe of what is politically thinkable” that is made available to ordinary citizens.¹⁰⁸ The political field is thus the social space of interactions and conflicts in which this “universe of political discourse” is established.

While political struggles in consolidated democracies are organized around established political parties, those in postcolonial contexts include multiple and shifting state and social actors in addition to traditional political parties. In Muslim countries, various state actors embedded within distinct state subfields (e.g. military, bureaucratic, and judicial) may enter the political field alongside organized political parties, including Islamist ones.¹⁰⁹ Postcolonial bureaucracies and militaries are often

¹⁰⁵ Bourdieu (1985: 734).

¹⁰⁶ Bourdieu (1991a). The fields approach is especially suited to examining how classifications among citizens (or subjects) are contested and institutionalized within distinct social and political domains. See, for example, Eyal (2005), Gorski (2013), Goldberg (2012), Ray (1999), Saeed (2012), Steinmetz (2007), and Wacquant (2005).

¹⁰⁷ Bourdieu (1991a: 172); Bourdieu (1999).

¹⁰⁸ Bourdieu (1991a: 172).

¹⁰⁹ Bourdieu defines modern states as sites of “culmination of the process of concentration of different species of capital: capital of physical force or instruments of coercion (army, police), economic capital, cultural or (better) informational capital, and symbolic capital” (Bourdieu 1999: 57). This proceeded in tandem with the “emergence of a specific, properly statist capital ... which enables the state to exercise power over the different fields and over the different particular species of capital, and especially over the rates of conversion between them” (*ibid.*, 58). This account is aimed at identifying the distinctive characteristics of the modern state. Elsewhere Bourdieu has explored the complex

independent and self-interested entities within the postcolonial state and have their own specific interests that they seek to legitimize through sustained narratives about security, law and order, and external and internal threats to the polity.¹¹⁰ Political parties that spearhead anti-colonial nationalist movements, however, have an interest in consolidating their own power and transforming their anticolonial ideologies into an active program of nation-state building. Constituting an interpretive community, these various actors participate in struggles over formal political power and acquisition of symbolic power, that is, power to construct social reality. Political fields in postcolonial contexts are thus more dynamic and less routinized than in advanced democracies because the “universe of political discourses” is not constituted by organized political parties.¹¹¹ Instead, it is shaped by a contentious cultural politics of state formation in a relational site that includes executive decision makers, constituent assemblies, courts, legislative assemblies, and social movements.¹¹²

A political fields framework offers a more nuanced view of the state and hence of policy formation. A number of state theorists have emphasized the importance of examining institutional and discursive relations among different sub-institutions within the state system for understanding how “state effects” are produced.¹¹³ This line of inquiry has shown that although the state often appears to be acting in the singular, a complex

dynamics within the state field itself (most recently, Bourdieu 2015). Elsewhere, I have argued that in postcolonial contexts such as Pakistan, it is useful to conceptualize the state field as a relational space in which different state subfields engage in competitive struggles for determining the distribution, quantities, and hierarchies of state-specific capitals. See Saeed (2010: 63, 68–89).

¹¹⁰ See Alavi (1972) for a classic statement, incidentally based on the cases of Pakistan and Bangladesh, on the complexity of the postcolonial state that emphasizes the role of the relatively autonomous and economically self-interested military-bureaucratic oligarchies.

¹¹¹ My analysis does not support the notion that political parties are relatively autonomous entities and the primary active agents in the articulation of salient social divisions in society (e.g. de Leon, Desai, and Tugal 2009). The Ahamdi question demonstrates that electorally marginal Islamist parties and religious movements work together to politically articulate social divisions that already enjoy hegemony in social fields (e.g. religious fields). The relationship between political articulation and social divisions is thus historically contingent on national histories and political contexts.

¹¹² On the cultural politics of state formation, see Adams (1999); Bourdieu (1999); Corrigan and Sayer (1985); Go (2008); Gorski (2003); Loveman (2005); and Steinmetz (2007).

¹¹³ Abrams (1988); Jessop (1990: 341); Mitchell (1991); Steinmetz (1999); Trouillot (2001: 126). For analyses of the postcolonial state that emphasize similar themes, see Gupta (1995) and Hansen and Stepputat (2001).

and multifaceted institutional structure that consists of multiple state subfields functions to produce a monolith that is then referred to as the “state.” Understanding the state thus is important because, as William H. Sewell argues, “much cultural practice is concentrated in and around powerful institutional nodes – including religions, communications media, business corporations, and, *most particularly, states.*”¹¹⁴ A political fields framework decentralizes the state and allows us to see how various state subfields function together “to impose a certain coherence onto the field of cultural practice.”¹¹⁵ It also throws light on those instances in which such coherence remains elusive, such as, for example, when state actors are in fundamental disagreement and are thus unable to arrive at a mutually agreeable policy that has staying power.

A political fields framework also incorporates state–society interactions.¹¹⁶ Actors in the political field engage in acquisition of symbolic capital through which politically salient collectivities and categories such as family, classes, national groups, ethnicities, and so on are defined. However, politicized social groups such as social movement actors also have huge stakes in imposing their own visions of legitimate classifications on the body politic by defining and diagnosing problems and offering solutions.¹¹⁷ Although they usually do not possess the resources to directly capture state power, they are centrally invested in shaping official policies, either by forming direct alliances with political parties or by devising strategies to exert pressure on them.¹¹⁸ The aim is to carve out and monopolize a discursive space of political claims making in order to acquire symbolic capital and to shape the sociocultural dimensions of state power. An examination of state–society interactions in the political field thus reveals how nonstate actors may shape policy outcomes that, on the surface, appear to be a product of unitary state action or a single political party.

The study of ordinary politics that a political fields framework enables is important for examining the institutional trajectories of religious change for a number of reasons. First, it demonstrates the centrality of politics in shaping modern trajectories of religious change. With respect to Muslim societies, it challenges prevalent notions that there are “civilizational,” prepolitical attributes to Islam that underpin how religious

¹¹⁴ Sewell (2005: 172, emphasis mine).

¹¹⁵ *Ibid.*

¹¹⁶ Migdal (2001).

¹¹⁷ Benford and Snow (2000); Snow *et al.* (1986).

¹¹⁸ Goldstone (2004); Jenkins and Klandermans (1995: 3–8); McAdam, Tarrow, and Tilly (2001).

policies are formed. Second, it depicts how different state actors struggle to implement vastly different meanings of religion, religious ideologies, and the boundaries between religion and secular fields. In postcolonial Muslim states, one of the core stakes in these struggles is “the constitutional construction of national identity and the role of religion in the new nation-state.”¹¹⁹ Third, a political fields framework brings to the fore distinct strategies of action adopted by religious movement actors for implementing policy changes that remain hidden from the view if we focus solely on policy outcomes.¹²⁰ It highlights how formal protests, print media activism, and mobilization of courts by religious actors are shaped by dynamics within the political field.¹²¹ Finally, a political fields framework sheds light on why an authoritative settlement of state–religion relations may remain unsettled. For example, one of the paradoxical impacts of frequent regime shifts between democracy and authoritarianism in Pakistan has been that the political field has emerged as a more authoritative social force for determining religious policies than the various shifting and unstable official ideologies about religion. Consequently, the religion question continues to be deeply political.

Nationalist Classification Struggles

The question of the relationship between Islam and national identity is central to state formation in modern Muslim-majority states. The classical thesis that modernity instituted a system of nation-states in which secular nationalism emerged as the new religion of the state has been extensively challenged and revised on the basis of Western historical experience itself.¹²² The emerging consensus is aptly captured by Liah Greenfeld’s proposition that “[t]he varied and complex history of the relationship

¹¹⁹ Arjomand (2003: 15).

¹²⁰ It thus has the advantage of situating social movements in “external relational fields” composed of movements and countermovements situated within specific political milieus and oriented simultaneously toward state authorities, nonstate elites, and various publics (Goldstone 2004). A political fields approach also draws attention to the “political consequences of social movements,” especially in relation to extension or contraction of citizenship rights, policy changes, and forging collective identities (Amenta *et al.* 2010).

¹²¹ Bayat (2007); Davis and Robinson (2009); Tugal (2009); Wickham (2002); Wiktorowicz (2004).

¹²² See Zubrzycki (2006: 18–19) and Brubaker (2012) for a review and critiques of this position. More generally, see Gorski (2000b, 2003), Calhoun (1997), Greenfeld (1993), and Gauchet (1999) on the relationship between religion and nationalism in early–modern Western contexts.

between nationalism and religion cannot be narrowed to a linear sequence. Though a product of independent developments, nationalism emerged in a world seething with religious enthusiasms.¹²³ This “religious enthusiasm” has continued to animate modern nationalisms, providing the fodder for both violent interreligious conflicts¹²⁴ and cultural conflicts over the relationship between national identity and religion.¹²⁵

Nationalist struggles over the religious identity of the state are a central feature of modern Muslim states. Consequently, political fields are deeply entangled in what Bourdieu terms “classification struggles.” While Bourdieu was concerned primarily with deploying the notion of classification struggles to examine the emergence and dissolution of social classes, it is also immensely useful for thinking about the symbolic dimensions of nationalist struggles.¹²⁶ In these struggles, “social and cultural actors propose and oppose various conflicting visions of the nation and of the sense of being a group more generally. They struggle both over how the nation should be defined and about its relative salience as a principle of group identity and action.”¹²⁷

Modern politics rests on making claims about “the people” in whose name the state claims its legitimacy. The notion of “the people,” as scholars as diverse as Hannah Arendt, Etienne Balibar, Rogers Brubaker, and Ernesto Laclau have pointed out, inherently posits a boundary of inclusion and exclusion, of those who belong to the nation-state and those who do not.¹²⁸ In other words, political claims making entails defining a political community, a “we” in whose name political demands are articulated and the public good defined.¹²⁹ The contentious issue then becomes who can authoritatively speak on behalf of a political community that is itself constituted through political discourse.

When a state defines itself in religious terms, it privileges members of that religion. The idea of a Muslim nation-state thus posits a political distinction between Muslims and non-Muslims. This is so because the nation-state demands a bounded political community that can be clearly demarcated and categorized within official nationalism and through formal citizenship policies. Furthermore, when the state identifies itself with

¹²³ Greenfeld (1996: 176). A similar position is taken in Anderson (1991).

¹²⁴ van der Veer (1994); Kapferer (1988).

¹²⁵ See essays in van der Veer and Lehmann (1999).

¹²⁶ Gorski (2013).

¹²⁷ *Ibid.*, 257.

¹²⁸ Balibar (2004); Brubaker (1992); Laclau (2005).

¹²⁹ Laclau (2005: 72–7).

a particular religion, it inevitably opens up space for political demands that the state privilege the favored religious identity within its institutions of citizenship and belonging.

If the only political logic at play in the polity were (majoritarian) democracy, there would be no contradiction because the Muslim majority could insist on the complete exclusion and elimination of undesirable others, in this case non-Muslims, until only the “true” Muslims remained. This scenario would resemble the condition of statelessness that Arendt theorized in her discussion of European Jewry in interwar Europe. Within contemporary Muslim states, Baha’is in Iran come close to this condition of statelessness.¹³⁰

However, there are other logics at play that mediate the politics of citizenship in contemporary Muslim states. The most obvious one is constituted by the presence of liberal norms alongside clauses upholding a national religious identity. As Abdullahi An-Na’im, prominent scholar of Islamic law, human rights activist, and vocal secularist, observes: “On a practical level, although most of the constitutions of modern Muslim states guarantee against religious discrimination, most of these constitutions also authorize the application of Shari’ah. As such, these constitutions sanction discrimination against religious minorities. This is inconsistent with the constitutions’ own terms.”¹³¹ In order to remedy this state of affairs, An-Na’im proposes that while religious arguments may inform public policies and legislations as long as they do not discriminate among citizens along gender or religious lines, the state should remain staunchly secular so as not to privilege and coercively enforce one interpretation of *sharia* over another.¹³²

An-Na’im’s normative justification for a secular state founded on a civic nationalism is grounded in an Islamic imperative because it seeks to shield the Islamic injunction of leading an ethical and pious life from the coercive and disciplinary powers of the modern state. This ideal of civic nationalism has informed public debates and legislations on state–religion relations across Muslim societies. It often serves as a powerful counterweight to both religious nationalists who seek to translate *sharia* into positive law and militant secularists who seek to suppress the presence

¹³⁰ Although the Iranian Constitution names Zoroastrians, Jews, and Christians as religious minorities, it does not legally recognize Baha’is as a religious community (Sanasarian 2000). Furthermore, Baha’is face considerable social hostility from secular and religious forces in Iran and are routinely subjected to arbitrary detentions and persecutions (Chehabi 2008).

¹³¹ An-Na’im (1987: 1).

¹³² This position is comprehensively developed in An-Na’im (2008).

of religion in the public sphere. We will encounter all these positions in the chapters that follow.

There is also a historical distinctiveness to the question of religious difference in Muslim societies that is captured through discourse and practice of *sharia*.¹³³ In the heyday of large-scale and land-based Muslim empires such as the Ottoman and Mughal empires, different religious communities coexisted within autonomous yet organically linked social spheres. This is not to suggest that Muslims were not privileged within Muslim empires or that there were not elaborate hierarchical distinctions among Muslims and non-Muslims.¹³⁴ The crucial point of note is that religious difference was a legitimate social reality that was managed by political entities in the interests of governance but within a distinctly Islamic milieu.¹³⁵ Religious differences were allowed to exist, provided that they were hierarchically situated.

The modern nation-state, however, seeks to efface differences within its territorial boundaries, either by proposing civic criteria of belonging, in which case differences get subsumed under abstract criteria of citizenship, or by proposing, as the Muslim nation-state does, religious boundaries whereby non-Muslims become modern minorities and start receding from national life.¹³⁶ The politics of religious difference in modern Muslim nation-states is also shaped by this tension whereby the accommodation of non-Muslim religious communities as enjoined by *sharia*, which is an integral part of the Muslim historical experience, struggles with the exclusionary logic of the Muslim nation-state that constantly throws up effacement of religious difference as the strategy for its management. This is the irony: while Muslim empires allowed religious differences to exist but subjected them to eloquent hierarchies, the Muslim nation-state disallows

¹³³ Typically, *sharia* is today understood as a set of Islamic positive laws. Classically, *sharia* did not refer to abstract laws but to “a practice and a process of deriving law and of adjudicating disputes” (Griffel 2007: 4). There were a variety of positions that could be derived from the *sharia* that differed across legal scholars and *madhabs* (Islamic schools of law). All were accepted as legitimate provided that they followed specific modes of reasoning, or *usul al-fiqh*.

¹³⁴ See Friedmann (2003) for a discussion of the place of non-Muslim minorities in Islamic jurisprudence and Barkey (2008) for a discussion of the Millet System in the Ottoman Empire through which religious minorities were managed.

¹³⁵ This argument is developed in Emon (2012) and Alam (2004). This point also anchors Jane Burbank and Fred Cooper’s comparative discussion of empires in world history (Burbank and Cooper 2010: 1–2).

¹³⁶ Balibar (2004: 8).

religious difference because it demands sameness among “the people” in whose name authority is exercised.¹³⁷

Chantal Mouffe posits that Western liberal democracies are characterized by a “democratic paradox”: the democratic logic of the will of the people exists in a foundational tension with the liberal principle of equality.¹³⁸ However, as Mouffe argues, this tension is ultimately productive and generative because it shapes a contested terrain of political visions, interests, and commitments that is the condition of possibility for further renegotiations and change. The case of Pakistan reveals that a similar tension is also present in political fields in Muslim democracies. Here the politics of citizenship rights is shaped through conflicts between majoritarian democracy, puritanical Islamic positive laws, abstract liberal rights, and Islamic justifications for religious equality. Ultimately, any resolution is necessarily precarious and unstable because this conflict is emblematic of a constitutive tension that lies at the heart of the idea of the modern Muslim democratic state. However, specific resolutions are routinely instituted that shape broader trajectories of religious change. In Pakistan, as this book demonstrates, an exclusionary religious nationalism was able to triumph in the political field and shape the broad contours of desecularization processes.

Courts, Politics, Religion

Scholars are increasingly emphasizing the variability in historical contexts that allows judicial review and constitutionalism to advance liberal and substantively democratic ideals in some cases and hinder or even reverse such commitments in others.¹³⁹ A few scholars have explicitly engaged with the role of constitutionalism and judicial review in mediating the politically contentious issue of state–religion relations in Muslim societies.¹⁴⁰ This is a particularly useful line of inquiry for understanding the impact of the global “rights revolution” on Muslim societies because the rights of the most vulnerable groups—women, religious minorities, and

¹³⁷ See An-Na'im (2008), Feldman (2008), and Hallaq (2013) for three studies that undertake comparative discussions of premodern Muslim empires/governance and the modern nation-state form but arrive at radically different conclusions.

¹³⁸ Mouffe (2000).

¹³⁹ Arjomand (2003); Epstein *et al.* (2001); Hirschl (2000, 2004); Klug (2000); Shapiro (2002).

¹⁴⁰ Arjomand (2007); Brown (1997, 2001); Hirschl (2004, 2010); Koğacıoğlu (2004); Shambayati (2004); Tezcur (2007).

nonmainstream Muslim minorities – are often adjudicated by superior courts through interpretations of religious ideologies enshrined in constitutions.¹⁴¹ Courts that have the authority to undertake judicial review are thus key actors in shaping trajectories of religious change. Understanding how courts do so entails an examination of their relationship with dynamics in the political field, which, in turn, shapes how courts participate in nationalist classification struggles.

In modern Muslim societies, positive law is a critical site on and through which the religion question is contested. This is a crucial point. Consider the Ahmadi question. The key issue has not been whether Ahmadis are Muslim or non-Muslim by religious criteria. This thorny theological issue can be settled in the private religious sphere in which religious authorities with knowledge of *fiqh* engage in Islamic legal and theological debates.¹⁴² In fact, prominent religious authorities have held that Ahmadis are non-Muslim in their *fatwas*, which extend back to the colonial period. However, the aim of *ulema* has not simply been to establish that Ahmadis are non-Muslim according to religious doctrine or to even convince ordinary Muslims of the truth of this claim. The primary contentious issue has been how to mobilize the force of positive law to turn the Ahmadi/non-Ahmadi religious distinction into a non-Muslim/Muslim politico-legal distinction.

Once positive law enters the picture, courts and politics of judicial decision making follow close behind. The appropriation of positive law by one set of actors prompts their opponents to challenge the practical meanings and/or constitutionality of those laws in the courts (on the condition, of course, that courts enjoy appellate jurisdiction and some degree of power of judicial review). Political actors first engage in shaping the content of positive law through activism in the political field.

¹⁴¹ See Epp (1998) on the global rights revolution. Based on an analysis of four countries (Britain, Canada, India, and the United States), Epp argues that the global rights revolution has been “rights enhancing” through the creation of new rights. The challenge for much of the rest of the world has been the protection of rights that do exist on paper but are not upheld in practice. In Pakistan, as the Ahmadi question suggests, the trend has been the opposite, with rights that formerly existed being compromised with time. For some discussions of rights-based issues in Muslim societies, see An-Na’im (2008), Ghanea (2004), and Hajjar (2004).

¹⁴² *Fiqh* refers to Islamic legal jurisprudence that has been obtained from *sharia* as contained in Quran and *hadith* (sayings of the Prophet) through human reasoning aided by distinct legal methodologies. See Hallaq (2005). As I show in Chapter 3, there was a conspicuous absence of discussion of *fiqh* norms during the National Assembly debates in 1974 on the religious status of the Ahmadis.

Subsequently, conflicts over legality and interpretations of these laws travel to the legal domain. Here both the broader issue of determination of boundaries between what ought to be subject to positive law and what ought to be exempt from the legal penetration of the state *and* second-order considerations pertaining to legality and interpretation of these laws become sites of struggle among a range of state and social actors. We witness that law is not just a technology of governance and an apparatus of the state's exercise of symbolic power.¹⁴³ It also forms a powerful social imaginary and provides a shared language to shape how social actors craft their claims and interact with the state.¹⁴⁴ An analysis of the place of courts in political struggles over state-religion relations is thus integral to explaining trajectories of religious change.

I identify two distinct configurations of the triangular relationship between courts, political fields, and the religion question. A host of scholarship has analyzed the phenomenon termed the "judicialization of politics," wherein courts are authorized to exert power of judicial review over legislation and administration.¹⁴⁵ "Judicialization" refers to "the increased presence of judicial processes and court rulings in political and social life, and the increasing resolution of political, social, or state-society conflicts in courts."¹⁴⁶ One of the aims of judicialization of rights-based politics is to provide a check over majoritarian decision-making institutions that might privilege sentiments of the national majority over the rights of minorities. The key issue at play is the same that Arendt identified and to which I alluded earlier, pertaining to the tension between abstract universal rights and the rights of a bounded political community.

I define judicialization of *religious* politics as the process by which courts and judges come to shape religious policies. It refers to the processes through which executive state authorities delegate courts to shape the practical exercise of religious rights through interpreting the relationship between religion and the state on the basis of constitutional

¹⁴³ Bourdieu (1987).

¹⁴⁴ Shapiro (1981). One prominent line of inquiry in Anglo-American law and society scholarship refers to this phenomenon as "legal consciousness." See Silbey (2005) for a review.

¹⁴⁵ Tate and Vallinder (1995). On judicialization of politics in Latin America, see essays in the edited collection by Sieder, Schjolden, and Angell (2005). On Egypt, see Moustafa (2003). On Israel, see Edelman (1994).

¹⁴⁶ Sieder, Schjolden, and Angell (2005: 3).

texts.¹⁴⁷ This judicialization empowers courts to defend the citizenship rights of religious minorities even under religiously inclined authoritarian regimes.

However, the position of the courts may remain in an uneasy relationship with majoritarian currents in the political field, especially when the question of state–religion relations is unsettled. In such cases, the judicialization of religious politics can lead to a process of “religio-politicization” of the judiciary. If judges begin to pronounce legal outcomes and advance jurisprudence that significantly differs from the preferences of political authorities, the latter may attempt to limit the power of judges and make them responsive to the preferences of executive authorities.¹⁴⁸ As Arjomand argues, “the politicization of the judiciary results, in part, from a low degree of institutional development and autonomy of the judiciary within the polity.” Furthermore, “such politicization is a serious problem in regimes with ideological constitutions, which undermine the rule of law and consequently judicial authority and autonomy.”

In national contexts defined by unsettled state–religion relations and ambiguous religious ideologies, courts are not merely engaged in elaborating their own legal interpretations. They are also critical sites in which different state and social actors contest different understandings of state–religion relations. As noted earlier, most constitutions in Muslim countries endorse, in some form or other, the primacy of Islam alongside constitutional commitments to religious rights that are couched in a liberal framework.¹⁴⁹ The ambiguity that is deliberately built into constitutional texts through a contradictory mix of political ideals renders issues of state–religion relations amenable to multiple legal interpretations and claims.¹⁵⁰ In such contexts, the relationship between courts and political fields is central to explaining the emergence and evolution of distinct trajectories of religious change.

¹⁴⁷ For comparative discussions of judicialization of religious politics, see Arjomand (2003), Brown (1997), and Hirschl (2010).

¹⁴⁸ Moustafa (2003); Shambayati (2004: 253–75).

¹⁴⁹ An-Na'im (1987: 1).

¹⁵⁰ Brown (2002: 154–6).

METHODOLOGY, ORGANIZATION, ARGUMENTS

The organizational structure of this book reflects its comparative and historical methodology. It focuses on concrete historical moments that have defined the genealogy of the Ahmadi question in Pakistan – the colonial period, the immediate postcolonial moment of accommodation (1947 to mid-1950s), the moment of exclusion (1974), and the moment of criminalization (1984). It undertakes a microscopic investigation of all these moments while linking them telescopically as the book proceeds. The aim is to analyze successive time periods both as loose comparative cases and as formative moments in a larger sequence of social change.¹⁵¹ We will witness the recurrence of a social issue and delve into why social actors have adopted different solutions to the same problem at different time periods.¹⁵² This approach has the advantage of resisting a teleological narrative of religious change. Furthermore, I emphasize contingency, emergence, events, and processes in the formation of a distinct trajectory of desecularization in Pakistan.¹⁵³

The analysis begins with an examination of religious politics under British colonial rule in India. Specifically, Chapter 1 is aimed at theorizing dynamics governing politicization of religious conflicts within Indian Muslims. I examine interactions among three distinct social domains of activity: religious fields, the colonial political field, and public arenas. I demonstrate that the colonial logic of enumerating different religious communities for the purposes of political representation not only deepened cleavages between Hindus and Muslims but also politicized religious conflicts among Muslims. In other words, my analysis shows that in the specific context of colonial India, the emergence of democracy was pivotal in shaping embryonic religious nationalisms oriented toward creating internally purified religious communities.

The immediate postcolonial period in Pakistan was characterized by highly vibrant debates about state–religion relations and national identity. Non-Muslim minorities, leftists, religious groups, nationalist leaders, and ordinary citizens actively participated in these debates.¹⁵⁴ This was a period of intense struggles over how a Muslim national identity ought

¹⁵¹ Haydu (2010: 26).

¹⁵² *Ibid.*, 33.

¹⁵³ The increasing legitimacy of narrative, relational, and eventful modes of inquiry into single and small-N case studies has resulted in novel methodological approaches and insights. See Sewell (2005), Somers (1992), and Steinmetz (2004).

¹⁵⁴ Ali (2011); Binder (1961); N. Khan (2012); Saeed (2013).

to inform concrete state imperatives such as designing the flag, writing the Preamble to the Pakistani Constitution, and defining the religious status and citizenship rights of Ahmadis. A number of official positions emerged during this time. The flag was given an Islamic color despite protests by non-Muslim political leaders. The constitutional Preamble was deliberately kept highly ambiguous on the issue of citizenship equality between Muslims and non-Muslims. A state policy of accommodation of Ahmadis was adopted. The aim of Chapter 2 is to historicize the production of these various *conflicting* policies. This chapter demonstrates that the Pakistani state was unable to arrive at an authoritative settlement of state–religion relations in its formative years. It instead instituted an ambiguous religious ideology that was unable to impart fundamental norms on the question of the place of religious minorities in Pakistan.

Chapter 3 explains the enactment of a constitutional amendment that legally declared Ahmadis a non-Muslim minority. It analyses how religious groups engaged in extensive efforts to mobilize politicians and public opinion for their demand that the state officially declare the Ahmadiyya community a non-Muslim minority. I suggest that the success of this movement in pushing the Ahmadi question into Pakistan's first democratically elected legislative assembly demonstrates the symbolic dimensions of what Michael Mann terms "the dark side of democracy."¹⁵⁵ The chapter then analyzes procedures and debates within the National Assembly by which the Ahmadi question was addressed. It also draws on personal interviews conducted with members of National Assembly to explain the multiple logics of action that coalesced to produce a coherent policy on the Ahmadi question. Overall, the chapter demonstrates that in the absence of a concrete official ideology committed to equal citizenship rights for all religious groups, the Ahmadi question became entangled with nationalist classification struggles in the political field.

Chapter 4 analyzes an executive ordinance passed by military ruler General Zia-ul-Haq in 1984 that makes it a criminal offense for Ahmadis to refer to themselves as Muslim, to their religion as Islam, and to practice Islam in public. Although this ordinance emerged within the context of Zia-ul-Haq's top-down project of Islamization of the Pakistani state and society, its promulgation was nonetheless subject to currents within the political field, especially political activism by religious groups. Drawing on interviews conducted with key members of the Zia-ul-Haq regime, this

¹⁵⁵ Mann (2005).

chapter demonstrates both the opportunities and constraints perceived by an undemocratic ruler driven to garner political and symbolic capital and the politics of policy-making under authoritarian rule. This chapter also examines debates generated in the public sphere in response to this ordinance, which provide important insights into the unsettled nature of state-religion relations in Pakistan.

The last empirical chapter examines the shifting relationship between courts and the political field with respect to the Ahmadi question. It argues that prior to promulgation of the 1984 Ordinance, the judicialization of religious politics meant that courts enjoyed considerable autonomy in protecting the rights of Ahmadis as full citizens of the state. This was done through jurisprudence that normatively relied on both liberal rights and egalitarian *sharia* norms. Courts became a means to offset the majoritarian dynamics prevalent in the political field. This chapter then draws on personal interviews conducted with key legal actors to show how this autonomy was subsequently eroded through the religio-politicization of the courts, which had the effect of fundamentally reshaping jurisprudence and legal outcomes. In short, this chapter analyzes how the unsettled nature of state-religion relations has played out in courts.

The concluding chapter reiterates the central questions and arguments posed by this book. It also points to this book's broader relevance for the study of religion and politics in other national contexts.

The analysis draws on a wide range of data sources, including colonial and Pakistani state archives and official publications, major Urdu and English newspapers, personal interviews, court cases, constitutional debates, and Urdu-language books and pamphlets. Official state publications and archives from the British Library in London, the National Documentation Center in Islamabad, and the National Archives of Pakistan provided invaluable sources for examining state discourses and practices. Chapters dealing with events from 1974 onward draw critically on interviews conducted with prominent politicians, leaders of conservative religious groups, Ahmadiyya community leaders, judges of the Supreme and High Courts, and lawyers. All interviewees consented to having their names used in this book.

The analysis also draws on major national Urdu- and English-language newspapers. In addition to deploying these for analyzing shifting spectrums of ideological viewpoints across time, newspapers were canvassed for carefully reconstructing (when possible) key historical events and for analyzing public and political debates.

The final major data source is the published judgments of various court cases of the Pakistan Supreme Court, the High Courts, and the Federal Shariat Court. Combined with personal interviews with lawyers and judges, these provide an unusually rich source for understanding how Pakistani courts approach the religion question.

I

Colonial Genealogy of Muslim Politics

British colonial rule in India concluded in 1947 with the creation of two polities in the subcontinent, India and Pakistan.¹ There is an extensive scholarship on the movement for Pakistan that has focused on “communalism” and the “Hindu–Muslim divide” caused by British colonial rule, the All-India Muslim League Party and its leader Muhammad Ali Jinnah,² Muslim politics at the provincial and “all-India” level, the role of religious reform movements and *ulema* in supporting or opposing the movement for Pakistan, and the dissemination and popularization of the idea of Pakistan.³ Lesser attention has been paid to the dynamics that governed the politicization of religious conflicts among Indian Muslims under British colonial rule.⁴ This line of inquiry, however, is critical for explaining the colonial origins of the Ahmadi question.

The Ahmadi question emerged as a political question in colonial India as a result of interactions among three distinct arenas of social activity.⁵ The first was the *religious field* populated by various reform and revival movements across India’s different religious traditions. This was the site in which religious entrepreneurs competed with both coreligionists and

¹ In 1971, East Pakistan split from Pakistan to form the independent state of Bangladesh.

² The Indian National Congress, or Congress, in short, was the nationalist party that spearheaded the independence of India. The All-India Muslim League, the Muslim nationalist party, perceived Congress as a party dominated by Hindus and sought to establish itself as the only legitimate political body representing Muslims of India.

³ This literature is too vast to cite, but see Devji (2013), Gilmartin (1988), Jalal (1985), Metcalf (1982), Robinson (1975), Shaikh (1989), and Wolpert (1984).

⁴ A striking exception is Jalal (2000).

⁵ Here I build on David Gilmartin’s work on elections in South Asia.

those belonging to other religious communities over “goods” such as religious converts and religious truths. The theological dimensions of the conflict between Ahmadis and non-Ahmadis took shape in this field.

The second sphere was that of the institutional *political field*. The British government authorized elections with a highly restricted franchise in India at the beginning of the twentieth century to allow Indians a limited degree of involvement in colonial administration. This produced a colonial political field in which professional Indian politicians and British authorities interacted with each other over a delimited set of policy issues. However, entry into this political field was structured, among other things, along religious lines. Colonial authorities perceived Indian society as consisting of an uncivilized and excitable body of Indians internally riven by religious divides.⁶ This perception readily aligned with the colonial state’s penchant for exerting its administrative and disciplinary powers through an elaborate structure of knowledge organized around “enumerated communities.”⁷ A consequence of this “colonial sociology” was the hardening of religious identities, especially as objectified religious categories took on a practical life of their own.⁸

In the political realm, this happened through the creation of “separate electorates” for Hindus and Muslims for the purposes of elections. The institutionalization of separate electorates meant that entry in the colonial political field was contingent on one’s claim to represent the religious community from which one hailed. It was this claim that was tested through elections. This linked the colonial political field with *public arenas*, our third sphere of activity, in which coreligionists competed with each other over defining and representing the Muslim collectivity.⁹ These public arenas have been the subject of much exciting research, especially in relation to the emergence of religious conflicts among Hindus and Muslims. I argue that it is also in these public arenas that the Ahmadi question spilled out from the religious field and became a political issue.

These three spheres emerged as differentiated arenas of social activity in the course of the colonial project of governing and “civilizing” Indian society. As noted in the Introduction, this differentiation is a core element of modern secularization processes and has produced different trajectories of religious change in different historical contexts. This chapter argues

⁶ See, especially, Ahmed (2009a) and Stephens (2014) for good discussions of this theme.

⁷ Kaviraj (2010: 18–19).

⁸ Cohn (1996).

⁹ Freitag (1989).

that the Ahmadi question is traceable to interactions among these spheres in colonial Punjab.¹⁰ Specifically, I examine how the prominent Indian Muslim poet Muhammad Iqbal, the militant Muslim Ahrar Party, the All-India Muslim League Party that spearheaded the movement for Pakistan, and its leader Muhammad Ali Jinnah approached the issue of the religious status of Ahmadis. This focus highlights that the question of the religious status of Ahmadis and their place within the Indian Muslim community was critically enmeshed with public contestations among different Muslim groups and individuals over claims to represent the Indian Muslim community. These contestations were necessitated by the structural dynamics governing entry into the colonial political field and were deeply entangled with conflicts in the religious field. The origins of the Ahmadi question can thus be traced to interactions among religious, public, and political spheres under British colonial rule.

This chapter is crucial for laying the groundwork for this book's subsequent analysis of how and why the Ahmadi question readily emerged as the key site on which different notions of state-religion relations, Islam, and national identity were contested in independent Pakistan. The postcolonial state of Pakistan has been continuously engaged in managing religious cleavages that have distinctly colonial roots. This chapter historicizes these cleavages by bringing forth the foundational importance of democratic politics for understanding religious conflicts in South Asia.¹¹

RELIGIOUS FIELD AND THE AHMADIYYA MOVEMENT

Starting from the mid-nineteenth century, British colonial authorities in India repeatedly maintained that they had an ideological commitment to norms of religious noninterference, neutrality, and equality.¹² This permissiveness formed an important background to the proliferation of both Christian evangelical missions and various reform movements across India's many religious traditions, of which the Ahmadiyya movement was one. These movements functioned in competitive religious fields

¹⁰ The Government of India Act of 1919 devolved power to major Indian provinces through a system of elections. This chapter is mainly concerned with the Province of Punjab, which was the home of the Ahmadiyya movement. It was here that the Ahmadi question first emerged as a public and a highly contentious issue.

¹¹ On this linkage in contemporary India, see Wilkinson (2004).

¹² van der Veer (2001).

centered on winning adherents and ascertaining religious truths.¹³ The texture of these religious fields was thus shaped “by the vexed collusion of liberal colonial rules on religious toleration and missionary conceptions of the exchangeability of religious affiliation.”¹⁴

Religious fields reflected regional variations in colonial encounters.¹⁵ For example, where the presence of British missionaries was more entrenched and relations with colonial authorities antagonistic, as in colonial Punjab, reform movements were typically overtly resistant toward Christian missionary activities.¹⁶ This was the case with the Hindu reform movement Arya Samaj and the Ahmadiyya movement. Here religious groups became more conscious of increasing the numbers of their own religious community over time, especially as official censuses assumed greater political and cultural significance. Thus Arya Samaj launched the *shuddhi*, or reconversion movement, which was aimed at bringing Indians who had converted away from Hinduism to Islam and Christianity back into the Hindu fold.¹⁷ The Ahmadiyya movement, which was a proselytizing movement committed to gaining converts from its very inception, was also actively engaged in training its own missionaries. Ahmadis not only competed with Arya and Christian missionaries but also engaged in heated and polemical debates with fellow coreligionists. Before proceeding further, I will briefly foray into Ahmadiyya religious beliefs and the controversies surrounding them.

Religious Beliefs

Mirza Ghulam Ahmad, founder of Ahmadiyya community, first came to prominence in the religious field in colonial Punjab with publication of the first two volumes of his book, *Barahin-i-Ahmadiyya* (*Proofs of Ahmadiyya*), in 1880.¹⁸ Initially, the book was well received by Indian Muslims because it pushed back against intense Christian missionary activities in colonial Punjab. In addition to Christian missionaries, Ghulam Ahmad also leveled critique against the reformist Hindu

¹³ Brown and Frykenberg (2002); Green (2011); Jones (1989); Oddie (1978); Powell (1993). For an analytical discussion of the notion of the religious field, see Bourdieu (1991b).

¹⁴ Green (2011: 12).

¹⁵ Jones (1989: 3).

¹⁶ *Ibid.*, 87.

¹⁷ See Sikand (1997) for a brief discussion of the *shuddhi* movement and how Muslims diagnosed and responded to the successes of this movement.

¹⁸ My account draws on Friedmann (1989).

movement Arya Samaj, whose Punjabi leaders routinely levied sharp diatribes against Islam.¹⁹ He discoursed on the excellence of Islam, presenting it as rational, scientific, and naturally superior to Hinduism and Christianity. He also wrote about the lethargy of Indian *ulema* and the need for a divinely inspired individual to revive and restore Islam to its natural superiority.

During the next decade, Ghulam Ahmad made a series of claims presenting himself as the divinely inspired reformer invested with the holy mission of returning Islam to its pristine purity. First, Ghulam Ahmad claimed to be a *mujaddid* (renewer of faith), then a *muhaddath* (a person spoken to by Allah or an angel), and later as the Messiah (*masih mawud*) and the *mahdi* (the rightly guided one).²⁰ Ghulam Ahmad's claims to being the *mujaddid* and *muhaddath* drew on various Islamic traditions that had given some importance to these personalities. In deeming himself the Messiah, Ghulam Ahmad drew on traditions in Islamic thought that hold that Jesus Christ did not die on the cross and will return to Earth. Ghulam Ahmad's claim to being the Messiah disturbed Christian missionary discourses that pitted the personalities of Jesus and Mohammad against each other. He also drew attention to the Muslim veneration of Jesus as a sacred and pious prophet.²¹ Ghulam Ahmad also claimed to be the *mahdi*, a figure whose appearance is foretold in both Sunni and Shia traditions. Ghulam Ahmad also gave his own interpretation of the concept of *jihad* (holy war) as conducted through the pen (i.e. persuasion) and *tabligh* (missionary activities) and not through the "sword" (i.e. physical warfare). This interpretation was routinely invoked by the Ahmadiyya movement to justify its stance of loyalty toward political authorities.

Ghulam Ahmad's most controversial claim, however, was his reinterpretation of the notion of *khatam-e-nabuwat* (or *khatam al'nabiyyin*), most often transliterated as the "seal of the prophets." In traditional Islamic thought, Prophet Mohammad holds this seal and is believed to be the last prophet sent by Allah.²² In interpreting Ghulam Ahmad's claim

¹⁹ Mirza Ghulam Ahmad's enmity with the Arya Samaj polemicist Pandit Lekh Ram is well documented. The latter wrote viciously not only against Ghulam Ahmad but also against Islam in general (Friedmann 1989: 8–9).

²⁰ van der Linden (2008: 104); Friedmann (1989: 105–18).

²¹ Friedmann (1989: 111–15).

²² The mention of Prophet Mohammad as the final prophet appears only once in the Quran in 33:40: "Mohammad was not the father of any man among you, but the messenger of Allah and *khatam al-nabiyyin*" (Friedmann 1989: 53). According to most translators, the meaning of the word *khatam* is "last." A highly authoritative source of *hadith* (sayings attributed to Prophet Mohammad), the *Sahih Al-Bukhari*, holds that Prophet

to prophecy, Yohanan Friedmann argues that the equation of sealing with finality or completion is not the only interpretation available in Muslim thought. In earlier centuries of Islam, there was no fixed interpretation of the term, and "it stands to reason . . . that the emergence of (false) prophetic claimants in the Muslim community gave an impetus to the development of the dogma concerning the finality of Muhammad's prophethood."²³ While there have been a number of claimants to prophecy in Islamic history, none has been accepted as a true prophet.

Ghulam Ahmad drew on Islamic legal sources to reinterpret the concept of *khatam-e-nabuwwat*. He argued that *khatam* in *khatam-e-nabuwwat* referred to the termination of those prophets who brought forth Allah's legislative injunctions in the form of divinely ordained books. However, nonlegislative prophets were foretold by the Prophet Mohammad himself and would appear as *extensions* of Prophet Mohammad. Ghulam Ahmad deployed the terms *zilli* (shadowy) and *buruzi* (manifestational) to make the case for the continuation of prophecy as a completion of Prophet Mohammad's mission.²⁴ While there could be no more legislative and independent prophets like the Prophet Mohammad, those holding Prophet Mohammad's favor would continue to appear for the spiritual improvement of Muslims.

Religious Opposition

The opposition to the Ahmadiyya movement from *ulema* can be gleaned by the number of *fatwas* issued against Mirza Ghulam Ahmad during his own lifetime.²⁵ *Fatwas* rendering "problematic" personalities as lying outside the fold of Islam have a long history in Islam and have been rendered against such prominent individuals as al-Hallaj, al-Ghazzali, and Ibn al-'Arabi.²⁶ The effect of such "*fatwas* of condemnation" is almost always an "incurable wound to reputations." In the time period

Mohammad himself had said on one occasion that "I am the seal of the prophets" (54). This and other sources of *hadith* have led to the established understanding that because the Prophet Mohammad is the most superior of all the prophets, he is the last of the prophets and holds the seal of prophecy.

²³ *Ibid.*, 64.

²⁴ *Ibid.*, 124–32.

²⁵ Issuance of a *fatwa* refers to the rendering of nonbinding advisory opinions by leading *muftis* (jurisconsults) or *ulema* through invoking *sharia* (Masud, Messick, and Powers 1996: 3–4).

²⁶ One scholar aptly describes these individuals as sharing "a high individualism and an aversion to *taqlid* (following the opinion of another within the *madhab*, or school of

under discussion, that is, the late nineteenth century, *fatwa* writing was undertaken in a highly charged political context defined by the decline of the Mughal Empire, the failure of the Rebellion of 1857, and the ascendancy of Hindus in educational and other public arenas. For the Muslims of India, this was a moment of intense self-reflection, and influential Muslim personalities gave different responses to the decline of Muslim political rule in India.²⁷

This period witnessed a proliferation of religious reform movements within South Asian Islam. These movements often modeled themselves after Christian missionary societies and trained professional missionaries, actively engaged in proselytization, organized public debates and meetings, and produced copious written tracts, pamphlets, books, and journals.²⁸ The *ulema* from these various movements routinely pronounced *fatwas* of *kufr* (disbelief) against each other in their quest to augment their own religious authority.²⁹ However, while *ulema* from different schools routinely issued *fatwas* against each other, the significant thing about Ghulam Ahmad was that *ulema* from nearly all religious movements issued *fatwas* against him. More significantly, *ulema* from different movements issued a joint *fatwa* in 1891 using expressions such as *Dajjal* (Antichrist), “a faithless infidel and a double dealing heretic,” “the most wicked of God’s creatures,” and “a confirmed liar and fabricator.”³⁰

The condemnation from the religious establishment in both colonial India and postcolonial Pakistan must be situated within this theological context, with traditional *ulema* regarding Ghulam Ahmad as having challenged the absolute finality of Prophet Mohammad and therefore tainting the latter’s honor by attempting to usurp his authority. However, colonial courts firmly deemed Ahmadis Muslim by upholding a minimalist definition of a Muslim as anyone who believes in one God and the prophecy of Mohammad.³¹ The crucial issue for our purposes is how these religious differences assumed a political significance.

law) – an independence of approach that was to cast them in bad odor with the ‘ulama’ of their day” (Willis 1996: 153).

²⁷ Jalal (2000); Metcalf (1982); Zaman (2002).

²⁸ Jones (1989); Reetz (2006).

²⁹ For example, Maulana Ahmad Riza Khan Bareilwi (1856–1921), leader of *Ahl-i Sunnat*, pronounced *fatwas* of *kufr* not only against Ghulam Ahmad but also against leaders of the Deobandi movement (Sanyal 1996).

³⁰ Lavan (1974: 51, 60).

³¹ The authoritative case in this regard is *Narantakath v. Parakkal*, decided by the Madras High Court in 1922. This case, although indexed as one of bigamy, essentially hinged on

Religious Growth

Despite religious controversies, Ghulam Ahmad became prominent in the public life of colonial Punjab by drawing a large number of followers. His "message appealed to an increasing segment of Muslims disenchanted with traditional structures incapable of meeting the challenges posed to Islam in the modern world."³² Audiences within two social groups particularly welcomed his teachings. The first was the literate, although not intellectual, class that could read his Urdu, Persian, and Arabic writings. The second was the nonliterate Punjabi audiences who were moved by his personal qualities and traits, which he communicated orally through public appearances.³³ The official policy of religious noninterference provided a crucial space for the Ahmadiyya movement to thrive in British India.³⁴ For example, Mirza Ghulam Ahmad asked colonial authorities to enumerate Ahmadis separately on the Census of 1901.³⁵ Through this self-objectification, he sought to legitimize his movement's unique Muslim identity.

After Ghulam Ahmad's death in 1908, his close associate, Nur-al-Din, assumed leadership of the movement until his own death in 1914. These six years saw a considerable growth in the movement, in no small part due to an increase in missionary activities abroad with special attention paid to the English-speaking world at large and England in particular. Public debates and dialogues with *ulema*, Christian missionaries, and Hindu reform movements in colonial Punjab, enthusiastically undertaken by Ghulam Ahmad, were almost completely abandoned.

After the death of Nur-al Din, the Ahmadiyya community split into two groups, one popularly referred to as the Qadiani group and the other as the Lahori group. The causes of the split were latent even before Nur-al

the question of whether Ahmadis were Muslim or not. It concerned a married Muslim man who subsequently became an Ahmadi. According to most *sharia* rulings, apostasy on the part of any spouse completely annuls the marriage. In this instance, the wife considered the husband to have committed apostasy and subsequently married another man. The plaintiffs in this case were Ahmadis who accused the woman of bigamy. The lower court that heard the case rejected the charge of bigamy on the grounds that the Indian Muslim community generally considered Ahmadis apostates. The Madras High Court, where the case landed on appeal, reversed the judgment of the lower court, holding that Ahmadis met the minimal conditions of being Muslim, which include belief in one God and in the prophecy of Muhammad. See Fyzee (1964: 59–60).

³² Lavan (1974: 186).

³³ *Ibid.*, 188.

³⁴ Jones (1989); Metcalf (1982); Reetz (2006).

³⁵ Lavan (1974: 93–4).

Din's death and included factors such as personality differences, struggles over leadership, and doctrinal differences.³⁶ For our purposes, there are two notable aspects of this split. First, Ghulam Ahmad's son, Bashiruddin Mahmud, emerged as the leader of the larger Ahmadiyya group in Qadian in 1914 and assumed the title of *Khalifatul Masih II* (successor of the Messiah II). He remained the head of this group, which subsequently relocated to the city of Rabwah in Pakistan after independence, until his death in 1965.³⁷ Second, the Lahori group distinguished itself from the Qadian group by criticizing the separatist tendencies of the Qadian group. It publicly distanced itself from Bashiruddin Mahmud's position that non-Ahmadis were not true Muslims and that the Ahmadiyya movement formed a separate religious community. This group regards Mirza Ghulam Ahmad as a holy person and not a prophet. In short, the Lahori group chose to stay closer to mainstream Islam, whereas the Qadian group adopted a more separatist stance.

PUBLIC ARENAS: BETWEEN RELIGION AND POLITICS

After the Rebellion of 1857, British colonial authorities adopted a policy of religious neutrality and nonintervention more forcefully.³⁸ Essentially, the colonial state deemed "religion" and "community" "private" matters whose "public" manifestations were relevant for the state only to the extent that they disrupted "law and order" or created "communal" tensions.³⁹ These perceptions were premised on a notion of Indians as "religiously and emotionally excitable subjects," which, in turn, allowed the colonial state to position itself "as the rational and neutral arbiter of supposedly endemic and inevitable religious conflicts."⁴⁰

The relevant political arena from the standpoint of the colonial state was that of the institutional political field in which local Indian elites came to participate in a highly limited fashion, especially with the passage of the Government of India Act of 1919. It is within this sphere that the colonial

³⁶ Friedmann (1989: 3–22); Lavan (1974: 98–114).

³⁷ Since Bashiruddin Mahmud's tenure, the leadership of this group has remained with the direct descendants of Mirza Ghulam Ahmad.

³⁸ The Rebellion began with Indian soldiers employed by the East India Company (EIC) revolting against their officers. It quickly spread across North India. Fighting between the two sides continued well over a year until British regained control. The Rebellion was hugely significant in shaping subsequent colonial policies. Its most immediate effect was the transference of formal control of India to the British Crown (Metcalf 1964).

³⁹ Freitag (1989).

⁴⁰ Ahmed (2009a: 173); also see Gilmartin (1991).

state's conception of Indian society as marked by rigid and insurmountable religious divides and institutionalized through a distinct sociology of knowledge functioned to normalize and entrench politicized religious identities.⁴¹

Through these notions of public, private, religion, community, and politics, colonial rule effectively led to the emergence of public arenas as a distinct sphere of activity in which local communities participated in mutual contestations *oriented toward each other* over political identities, religious truths, and ultimately, the imagined community of the Indian Muslim nation. This was the arena in which two distinct Muslim imperatives met.⁴² The first was the imperative of defining, and proposing solutions for, the unique predicaments of Indian Muslims in light of the social and political transformations wrought by British colonialism. The second was the imperative of electing Muslim representatives to fill positions in the formal political apparatus. While the first imperative manifested in an autonomous realm of internal intellectual, political, and religious debates that pulled away from the gaze of colonial authorities, the second was oriented toward the structuring logics of formal political institutions. Both these imperatives worked in tandem to define a public arena of Muslim political activity in which different Muslim groups and individuals vied with each other over cultural and religious questions. These cultural struggles often got entangled with material interests defined by capturing formal political leadership positions.⁴³ In the eyes of the colonial state, however, this public arena was apolitical and a cradle of primordial religious identities that had to be managed by the state in its (supposed) capacity as a neutral and disinterested arbiter of competing interests.

The religious field was the primary site for the emergence of religious conflicts among different religious entrepreneurs in colonial India. It was

⁴¹ Scholars of British India have shown that colonial rule entailed the conquest of knowledge – land was charted, grammars and dictionaries of Indian languages commissioned, bodies counted, social groups enumerated, and laws codified (Appadurai 1993; Cohn 1996; Dirks 2001). As the merits of controlling the colonized populations through “knowing” became more apparent, colonial projects of collection of “data” became more elaborate.

⁴² Gilmartin (1998a).

⁴³ The first imperative has been most ardently stressed by Shaikh (1989). The second dimension has been scrutinized by Jalal (1985). Jalal (2000) provides, in my view, the most comprehensive historical account of how these two imperatives functioned in tandem. For more analytically driven historical discussions that also focus on Indian Muslims, see Gilmartin (1998b) for an account that takes the “partition” of India and Pakistan as its point of departure and Gilmartin (1998a: 417–9) for a discussion that emphasizes the structuring logic of elections.

here that religious groups organized themselves as distinct religious entities and engaged in competition over religious truths and winning converts. The colonial state did not participate in internal Muslim debates over religious questions. However, the institutional and political context defined by increasing participation of Indians in elected legislatures⁴⁴ and the rise of anticolonial nationalism had a profound impact on pushing these religious conflicts into public arenas.

HARDENING OF RELIGIOUS IDENTITIES

The 1920s in colonial India were visibly characterized by the intensification of religious hostilities among Hindus and Muslims. Barbara Metcalf succinctly captures this moment by noting that “the 1920s ushered in an unprecedented period of religious violence, competition for leadership and the decisive emergence of mass politics. This was specifically when competing historical genealogies of Muslim history gained currency, usually summarized as the ‘nationalist’ and the ‘communalist’ interpretation of Muslim identities, histories that increasingly legitimated divergent ideologies.”⁴⁵

The term “nationalist” in the context of Indian Muslims is deployed to refer to those Muslims who opted to join Congress and worked alongside Gandhi, Nehru, and other (Hindu) nationalists to end colonial rule. The most prominent Muslim nationalist leader was Abul Kalam Azad. The first Minister of Education of independent India, Azad at this time was, in the words of his most prominent biographer, “an obvious irritant to the Muslim League, which claimed to speak for all Muslims in the country.”⁴⁶ The “communalists” were the Muslims “separatists” who supposedly opposed the “secularism” of the Congress to advocate the political relevance of religious identities. The most prominent “separatist” (by default, a Muslim) today is Muhammad Ali Jinnah, the “father” of the Pakistani nation, who emerged as the “sole spokesman” of Indian Muslims in the 1940s.⁴⁷ The 1920s were the crucial period when terms such as “communalism” and “separatism” became etched in the political landscape of India. It was at this time that the conventional wisdom

⁴⁴ This process began with the Indian Councils Act of 1909 and accelerated with the Government of India Act of 1919.

⁴⁵ Metcalf (1999: 133–4).

⁴⁶ Douglas (1993: 223).

⁴⁷ The term “sole spokesman” in reference to Jinnah was popularized by Ayesha Jalal’s important book (1985) by the same title.

became that “anyone not belonging to the Congress and articulating a politics of ‘Muslim interests’ is a communalist, not a nationalist.”⁴⁸

By the early 1930s, Indian Muslims had been neatly designated as a political category at an all-India level. A series of Government of India Acts and reforms had established and entrenched separate electorates for Muslims at all levels of electoral representation. This meant that in any election, Muslims could only vote for Muslims. Furthermore, Muslim seats in elected bodies were reserved. Initially, separate electorates were aimed at provincializing politics and favoring the Raj’s friends by placing them in provincial seats of power.⁴⁹ As the case of Punjab shows, separate electorates initially strengthened the position of rural Punjabi politicians belonging to the Unionist Party. This was a party led by Muslim landlords but also included many Hindus. It was deeply entrenched “in rural tribal and kinship structures, personal factions, and official influence.”⁵⁰ In the first elections of 1937 in which the Muslim League participated, it fared extremely badly, while the Unionists went on to form a ministry. In the next elections of 1946, the Muslim League gained a spectacular victory, which paved the way to the independence of Pakistan.⁵¹ The most crucial question during the 1946 elections was whether a separate territorial nation-state for Indian Muslims that was being advocated by Muslim League ought to be established.

A number of factors are responsible for the Muslim League’s victory in the 1946 elections. For example, Ian Talbot has emphasized that many important landlords defected from the Unionist Party and joined the Muslim League, thus paving the way for the latter’s victory.⁵² However, this shift, in turn, can be explained by noting the increased significance of public arenas, typically situated in the cities, as sites of cultural and symbolic politics. Ultimately, no Muslim politician at this juncture could stay immune from the burning issue of Muslim statehood that occupied these arenas. In the 1940s, different Muslim individuals, groups, and parties with vastly different political and ethical commitments vied with each other over this issue. As David Gilmartin argues, “elections offered a structure that subsumed in critical ways the tension between an image of

⁴⁸ See Ayesha Jalal, “Exploding Communalism: The Politics of Muslim Identity in South Asia”; available at: www.tufts.edu/~ajalalo1/Articles/communalism.pdf.

⁴⁹ Jalal (1985: 9, 19).

⁵⁰ Gilmartin (1998a: 420).

⁵¹ See Gilmartin (1988) for detailed discussions of these two elections in Punjab.

⁵² Talbot (1980).

overarching Muslim unity and the reality of conflict and competition that had marked the public realm of Muslim debate.”⁵³

Elections have temporal logics. This means that logics governing *elections* (in the plural) emerge with the passage of time as the event of elections recurs. Thus it was only over time that the system of separate electorates generated public conflicts over religious questions in a context defined by anticolonial nationalism. The Ahmadi question emerged as a public issue during this time when political and cultural struggles among Muslims were particularly sharp over the question of Muslim self-determination. In Punjab, political aspirants, in particular, the Muslim League, sought to undermine the political authority of Unionist landlords who enjoyed immense legitimacy among both the colonial state and a majority of rural Punjabi peasants. They also sought to undercut militant Muslim groups such as the Ahrar, who were intensely hostile toward Ahmadis (more below). This was done via attempts at shifting the very terms of political discourse in the direction of Muslim nationalism.⁵⁴ The Ahmadi question came to the forefront in public arenas in colonial Punjab in this context.

IQBAL AND AHMADIS

The most significant public event that undermined the position of Ahmadis within the Indian Muslim community was the position taken by Muhammad Iqbal on the religious status of Ahmadis. A philosopher, poet, and politician credited with inspiring the movement for Pakistan, Iqbal (1877–1938) joined the All-India Muslim League in 1908. In 1926, Iqbal won a seat in the Punjab Legislative Council and formally entered professional politics. From 1930 to 1932, Iqbal served as president of the Muslim League. In his famous presidential address in the League’s 1930 annual session, Iqbal proposed “the creation of a Muslim India within India” that would be part of an all-India federation.⁵⁵ The realization of this vision, he told his audience, demanded “complete organisation and unity of will and purpose in the Muslim community.”⁵⁶ Iqbal was careful to spell out the boundaries of the relevant Muslim community: “[W]e must look at the Indian problem not only from the Muslim point of view, but also from the standpoint of the Indian Muslim as such.”

⁵³ Gilmartin (1998b: 1079).

⁵⁴ Gilmartin (1988).

⁵⁵ Iqbal (1977: 10).

⁵⁶ *Ibid.*, 28.

An analysis of Iqbal's declaration of Ahmadis as non-Muslim illustrates that the Ahmadi/non-Ahmadi religious distinction was deemed a relevant political issue by Iqbal because of a number of intersecting factors, including his political ambitions, his struggles to delineate the "organic wholeness" of Indian Muslims, and his intellectual prejudices against "medieval mysticism" that in his view characterized the Ahmadiyya movement.⁵⁷ This declaration is significant because Iqbal is considered the "national poet" of Pakistan. Consequently, his polemics against Ahmadis have been repeatedly deployed by *ulema* in Pakistan to lend legitimacy to their anti-Ahmadi demands.

Struggles over Muslim Representation

The conflict between Iqbal and the Ahmadiyya movement has both ideological and political dimensions. The political issue that generated conflict between Iqbal and the Ahmadiyya movement concerned leadership of an organization that was formed to address the plight of Kashmir's Muslims. Kashmir, a predominantly Muslim area, emerged as a "princely state" in 1846 when the British gave patronage to a Hindu to become its ruler.⁵⁸ A succession of Hindu rulers followed. A prominent feature of their rule was a thinly veiled despotism that targeted Muslims in particularly atrocious ways.⁵⁹ For example, most Muslim places of worship were in possession of the state. Conversion of non-Muslims to Islam was punishable, and religious preaching by Muslims was strictly controlled. Cow slaughter was deemed illegal. Muslims were excluded from the Army and had poor representation in government services.

The cause of Kashmiri Muslims was taken up by prominent Indian Muslims in the early 1930s in a social context characterized by high taxation, extreme poverty, and worldwide depression. This period witnessed organized Muslim protest against the Hindu ruler in Kashmir, leading to Hindu-Muslim and internal Muslim hostilities that lasted

⁵⁷ *Ibid.*, 29. See Shaikh (1989) for a discussion of intellectual trends within Indian Islam under British colonial rule that emphasize the important of community (*ummah*) and consensus (*ijma*).

⁵⁸ Princely states emerged as distinct political entities within the system of colonial rule in India. In contrast to administrative units that were brought under the direct sovereignty of colonial authorities, local princes were allowed to retain limited sovereignty, while colonial authorities exercised "indirect rule" by controlling key areas of policy and administration such as military alliances and exacting payments. See Ramusack (2004), especially 85–7.

⁵⁹ This discussion is based on Jalal (2000: 353–5). Also see Copland (1981: 233–5).

from 1931 to 1934.⁶⁰ The situation became especially tense in the wake of an incident involving desecration of Quran by a Hindu police constable, the news of which spread all over Punjab.⁶¹ Newspapers were quick to seize on the event, and stories about the Hindu ruler's policies and atrocities against Kashmiri Muslims began to be widely published.

Since the early 1900s, an organization called the Kashmir Muslim Conference had been serving as one of the main venues through which Kashmiri Muslims articulated and disseminated their grievances. In the early 1930s, several Muslim groups dashed to assume the leadership role of the Muslim agitation in Punjab over the Kashmir situation. One of the first bidders for this role was the *Majlis-e-Ahrar-Islam-e-Hind* (in short, Ahrar), a Muslim political organization formed in December of 1929 by a group of intensely anti-British, pro-Congress Muslims.⁶² Initially, Ahrar held that they would safeguard the interests of Muslims within the Congress. By 1931, they were operating independently from Congress,⁶³ although they remained orientated toward the Congress until the end of British rule. It was at this time that Ahrar turned toward the cause of Kashmiris, eventually making the heterodoxy of the Ahmadiyya movement one of their central rallying cries.

The Ahrar from its very inception included, in Ayesha Jalal's telling words, "anti-imperialists, Islamic universalists and communitarian bigots of varying measures."⁶⁴ Prominent leaders of Ahrar such as Mazhar Ali Azhar (1895–1974) and Attaullah Shah Bukhari (1891–1967) were intensely antagonistic toward Ahmadis and would play a leading role in anti-Ahmadi agitations under colonial rule and the anti-Ahmadi riots in Pakistan in 1953. At this time, they took up the cause of Kashmiri Muslims and started organizing rallies and calling for volunteers to march to Kashmir.⁶⁵

Another prominent individual with a special interest in Kashmir was Iqbal. Because he was a Kashmiri, Iqbal had taken an interest in the Kashmiri Muslim cause prior to the events of the early 1930s. It is widely believed that before turning antagonistic toward Ahmadis, Iqbal had

⁶⁰ Copland (1981: 231).

⁶¹ Jalal (2000: 354).

⁶² Lavan (1974: 148); Reetz (2006: 77).

⁶³ The specific issue that caused a rift was the issue of joint versus separate electorates for Indian Muslims. See Lavan (1974: 148).

⁶⁴ Jalal (2000: 349).

⁶⁵ A detailed account of the ensuing movement, albeit from the perspective of local authorities in the Punjab, is given in Government of Punjab (1939: 8–21).

been highly impressed with the teachings of Mirza Ghulam Ahmad. While not an Ahmadi himself, a number of Iqbal's family members were confirmed Ahmadis. Perhaps because of these ties, Iqbal extended his support to appointment of Bashiruddin Mahmud, leader of the Ahmadiyya movement, as the leader of the All-India Kashmir Committee in July 1931.⁶⁶

The nomination of Bashiruddin Mahmud deeply antagonized the Ahrar and led them to launch their own campaign. This initiative was as devoted to opposing Ahmadis as it was to supporting the cause of Kashmiri Muslims.⁶⁷ Ahrar charged Bashiruddin Mahmud with colluding with the British, the loyalist Unionists, and the Hindu Raja. As a result of these internal conflicts, Bashiruddin Mahmud was forced to step down from his leadership role of the Kashmir Committee in 1933.⁶⁸ Iqbal was made its temporary president. A little over a month later, Iqbal resigned from the post, declaring that he was unable to carry on the task because Ahmadis were unwilling to accept his leadership. In fact, Iqbal's appointment had generated considerable criticism within Muslim circles because Iqbal was more readily accepted as a man of letters and less so as an effective organizer and politician. The Kashmir agitation slowly petered out within a year, and the Kashmir Committee dismantled.

The preceding discussion provides the political context in which a rift between Iqbal and the Ahmadiyya movement appeared. During the Kashmir agitation, "Iqbal was at the beck and call of the Ahrars."⁶⁹ Iqbal's hostility toward the Ahmadiyya movement increased further with appointment of the prominent Ahmadi lawyer Zafrullah Khan to the Viceroy's Executive Council in 1934, a position coveted by Iqbal himself. Iqbal's indictment of Ahmadis thus must be situated in this political context, characterized by internal Muslim struggles over the articulation and representation of the interests of the Indian Muslim community. Seen from this lens, we can appreciate how material political interests and aspirations were a key component of conflicts among Muslim leaders.

⁶⁶ Jalal (2000: 356); Lavan (1974: 149). For a more detailed account of Bashiruddin Mahmud's involvement in Kashmir at this time, see A. H. Khan (2012).

⁶⁷ Lavan (1974: 149).

⁶⁸ Jalal (2000: 364).

⁶⁹ *Ibid.*

Defining Muslim Community

Iqbal publicly expressed his anti-Ahmadi views in a series of newspaper articles.⁷⁰ The central thrust of Iqbal's argument was that the Ahmadiyya movement presented "a serious danger to the solidarity of Islam."⁷¹ The integrity of a Muslim society was "secured by the Idea of the Finality of Prophethood alone." By claiming to be a prophet, Mirza Ghulam Ahmad had violated one of the only two core tenets of Islamic faith, the other being belief in the oneness of God.⁷² Iqbal levied a number of additional charges on the Ahmadiyya movement, including that it represented "medieval mysticism and theology,"⁷³ maintained social distance from non-Ahmadis, legitimized "British imperialism,"⁷⁴ and corrupted "the innocent [Punjabi] peasant who has been for centuries exposed to all kinds of exploitation."⁷⁵ Iqbal then addressed himself to the colonial state and demanded that it declare Ahmadis a separate community from the rest of Indian Muslims.

Because these statements immediately followed Iqbal's hostilities with Bashirddin Mahmud analyzed earlier, we can reasonably conclude that they were embedded in the political currents of the time. Iqbal's anti-Ahmadi rhetoric, however, cannot be dismissed as mere polemic and bigotry or as an exceptional episode uncharacteristic of his larger philosophical and intellectual orientations toward interfaith harmony. Iqbal's attack on the Ahmadiyya movement also contained a critique of the colonial state's policy of religious noninterference.

I read Iqbal as proffering a critique of the colonial state's "liberal" policy of religious tolerance. Iqbal is suggesting that, on the one hand, the search for an organic Indian Muslim community was an imperative created by colonial rule and its institutions of governance. On the other hand, though, the colonial state made the practical realization of this community an impossibility because its delineation of the Muslim community was based on an inorganic, census-driven enumeration of self-proclaimed Muslims. It thereby marginalized the organic and socially resonant cultural

⁷⁰ The first of these was an article titled, "Qadianis and Orthodox Muslims." This article provoked a response from Nehru, which was published in a series of articles in *The Modern Review* (Calcutta). In turn, Iqbal wrote a rejoinder to Nehru. The discussion that follows is based on a combined reading of these two articles by Iqbal.

⁷¹ Iqbal (1976: 59).

⁷² *Ibid.*, 17.

⁷³ *Ibid.*, 25. See Purohit (2015) for an insightful discussion of this theme.

⁷⁴ *Ibid.*, 30.

⁷⁵ *Ibid.*, 31.

boundaries that were lived by Muslims themselves. Iqbal's polemic can thus be situated as an attempt to shield what Partha Chatterjee terms the "inner domain of cultural identity" from the "outer domain" of the colonial state.⁷⁶ The irony, of course, is that for Iqbal, the integrity of this inner domain ultimately rests on the legal apparatus of the state, for it is only when law deems Ahmadis separate from the rest of the Indian Muslim community can the cultural groupness of Indian Muslims be realized.

Iqbal first argued that the very emergence of the Ahmadiyya movement was entangled with the colonial state's policy of noninterference in religion:

Any religious adventurer in India can set up any claim and carve out a new community for his own exploitation. This liberal state of ours does not care a fig for the integrity of a parent community, provided the adventurer assures it of his loyalty and his followers are regular in the payment of taxes due to the State.⁷⁷

Iqbal referred to the colonial state's policy of noninterference as "liberal and indispensable." It was liberal in that it provided "encouragement" to "religious adventurers on the ground of modern liberalism."⁷⁸ These adventurers, he argued, take "advantage of the modern Press" and become "forces of disintegration, masquerading as Reformist movements."⁷⁹ At a time when "the integrity of [the] parent community" was a political imperative, a theme that Iqbal clearly touched on in his 1930 presidential address to the Muslim League, the colonial state's policy of noninterference allowed the emergence of reformist movements that pulled away from the imperatives of building community and forging consensus. At the same time, however, the policy of noninterference in religion was "indispensable":

In India circumstances are ... peculiar. This country of religious communities, where the future of each community rests entirely upon its solidarity, is ruled by a Western people who cannot but adopt a policy of non-interference in religion.⁸⁰

Iqbal maintained that the colonial state ought to declare the Ahmadiyya community separate from the rest of the Indian Muslim community so that the latter could "defend itself against the forces of disintegration."⁸¹ There was a "real *cultural* significance of the idea of Finality in Islam."⁸² Iqbal

⁷⁶ Chatterjee (1993: 6).

⁷⁷ Iqbal (1976: 63).

⁷⁸ *Ibid.*, 60, 64.

⁷⁹ *Ibid.*, 10.

⁸⁰ *Ibid.*, 62.

⁸¹ *Ibid.*, 64.

⁸² *Ibid.*, 62 (emphasis added).

explained this cultural significance by invoking Spinoza's excommunication by Jews: "Situated as the Jews were – a minority community in Amsterdam – they were perfectly justified in regarding Spinoza as a disintegrating factor threatening the dissolution of their community."⁸³ Iqbal argued that the colonial state had created the forces of disintegration among the Muslim community. He likened this "disintegration" to the divisions created by the colonial state among rural and urban Muslims, "a distinction which has cut up the Muslim community into two groups and the rural group into several sub-groups constantly at war with one another."⁸⁴ Consequently, the state was obliged to manage these divisions more ethically than its policies of noninterference had hitherto allowed it to. Iqbal's implicit suggestion was that by rendering Ahmadis separate from the rest of Indian Muslims, the colonial state could assume ethical responsibility for restoring the unity of the Indian Muslim community that it had disrupted.

Furthermore, the relevant issue with respect to declaring the Ahmadiyya movement "heretical" was not whether it was "morally good or bad" but "whether it is life-giving or life-destroying."⁸⁵ For Iqbal, the answer was that such a declaration would be creative and "life-giving" from the perspective of the *majority* of Indian Muslims. The state's action would not be akin to "Inquisition," an institution alien to Muslim societies, but "will be determined more by political considerations than by purely religious ones."⁸⁶ In this perspective, a core religious belief – finality of prophethood – would function to define the boundaries of the *political* community.

Iqbal's polemics did not go unanswered by the Ahmadiyya community. Muhammad Ali, the spiritual leader of the Lahori section of the Ahmadiyya movement, issued a response to Iqbal in the form of an essay titled, "Sir Muhammad Iqbal's Statement *re* The Qadianis." In it, he countercharged Iqbal with causing disintegration among the Indian Muslim community: "The solidarity of Islam is endangered not by the claims of this or that man . . . ; it is endangered by the tendency of *takfir*, by declaring those who believe in the Holy Prophet Muhammad as *kafirs*."⁸⁷ Furthermore:

⁸³ *Ibid.*, 11–12.

⁸⁴ *Ibid.*, 65.

⁸⁵ *Ibid.*, 15.

⁸⁶ *Ibid.*, 15, 16.

⁸⁷ Ali (1936: 5–6). The Arabic word *takfir* refers to the practice of one Muslim calling another Muslim a *kafir*.

All those people who declare faith in the Kalima⁸⁸ ... are Muslims whatever their differences may be. The person who believes in Muhammad has Muhammad's authority that he is a Muslim, and to call him a *kafir* [heretic] is to deny the authority of Muhammad as the final Prophet of God.⁸⁹

By declaring Ahmadis heretical, Iqbal was engaging in an atrocious practice of *takfir* that was widespread in South Asian Islam. If all "*fatwas of kufr*" [charges of heresy] were to be collected, there might not "be a single person left who may be called a Muslim."⁹⁰ It was *this* practice that presented a grave danger to the solidarity of Indian Muslims.⁹¹

Muhammad Ali further maintained that the "most humiliating part" of Iqbal's statements was that in which "he implores the Government to interfere in the controversy between the orthodox and the Qadianis." Furthermore, Iqbal's endorsement of the prevailing "boycott and vilification" of the Ahmadiyya community, "an insignificant minority of one in a thousand," by hostile religious groups in the name of the Muslim majority was unworthy of "a man occupying such a high position as Sir Muhammad Iqbal." In effect, Muhammad Ali endorsed Iqbal's concern with the issue of solidarity among Indian Muslims but staunchly pushed back against Iqbal's attempt at forging this solidarity through religious exclusion of an already marginalized community.

This was the key moment in which the Ahmadi question became political by virtue of becoming enmeshed with the normative issue of state-religion relations. This moment brought forth two sharply distinct positions with respect to the colonial state's obligations toward its religious subjects. From Iqbal's perspective, the colonial state had a role to play in adjudicating the religious controversy among Ahmadis and non-Ahmadis. Muhammad Ali, however, found the suggestion that the state abandon its policy of religious noninterference and intervene in a theological conflict preposterous. Colonial state authorities, of course, did not intervene in this discussion. As we will see in the chapters to come, the issue of the state's ethical responsibility with respect to the Ahmadi question would arise again and again in postcolonial Pakistan.

⁸⁸ The term *kalima* here refers to the first (and the most significant) of the six enunciations of fundamental Islamic belief that are said to derive from *hadith* (sayings of Muhammad). The first *kalima* can be translated as "There is no god but God, [and] Muhammad is the messenger of God."

⁸⁹ *Ibid.*, 20.

⁹⁰ *Ibid.*, 23.

⁹¹ *Ibid.*, 6, 21.

PUBLIC ARENAS AND RELIGIOUS CONFLICT

Iqbal's engagement with the Ahmadi question was undertaken primarily through written polemics and proceeded from his self-positioning as a student of history, philosophy, psychology, and comparative religion.⁹² This was a radically different form of attack than that conducted by the most vicious nemesis that the Ahmadiyya movement would face both in British India and in Pakistan, the right-wing Ahrar, whose very claim to fame came to rest on its anti-Ahmadiyya agenda. Here I analyze Ahmadi-Ahrar confrontations in the public arenas of colonial Punjab. I argue that the turn toward democratic politics was pivotal in the entrenchment of these religious hostilities.⁹³ The Ahmadi-Ahrar conflicts in colonial Punjab also give a flavor of religious conflicts that would eventually be carried over into postcolonial Pakistan.

The Ahrar Party was initially formed as a Muslim nationalist party that would work with Congress to safeguard Muslim interests. By the early 1930s, Ahrar had developed a militant Muslim identity at odds with both Hindus and Ahmadis. The Kashmir agitation discussed earlier was central in the development of mutual hostilities between Ahmadis and Ahrar. In 1932, Ahrar adopted the dissemination of propaganda against Ahmadis as one of its party programs.⁹⁴ In 1933, the anti-Ahmadiyya mission was carried further by a policy aimed at ensuring that Ahmadis would not be elected to public offices.⁹⁵ In 1934, Ahrar passed a resolution demanding that Ahmadis be excommunicated from Islam and Ahmadi Zafrullah Khan dismissed from his position on the Viceroy's Executive Council.⁹⁶

The Ahmadi-Ahrar confrontation began in earnest toward the end of 1933. While the Kashmir agitation had been laced with mutual hostilities, Ahrar leaders now launched explicitly anti-Ahmadi activities in the heart of Punjab. Their campaign included public speeches against the Ahmadiyya movement's religious beliefs. Ahrar also held public meetings in or around Qadian during which speakers distinguished for their oratorical skills delivered fiery speeches. The content of these speeches included,

⁹² See Iqbal (2013) for his major work, *The Reconstruction of Religious Thought in Islam*.

⁹³ A good source for examining these hostilities are two secret "notes" written by the government of Punjab titled, "The Ahmadiyya Sect: Notes on the Origin, Development and History of the Movement" (Government of Punjab 1938) and "The Ahrar Movement in the Punjab, 1931-38" (Government of Punjab 1939).

⁹⁴ Government of Punjab (1939: 26).

⁹⁵ *Ibid.*, 29.

⁹⁶ Friedmann (1989: 37).

among other things, accounts of Mirza Ghulam Ahmad's "heresies," the Ahmadiyya community's separatism from the rest of the Muslims, and the supposed discrimination of non-Ahmadis in Qadian.

These meetings were extremely well attended, generating crowds numbering in the thousands. During this time, a number of Ahrar leaders were arrested for their speeches. For example, a meeting held in Qadian in October 1934 led to the prosecution of the eloquent Ahrar leader Ataullah Shah Bukhari for his highly provocative speeches about Mirza Ghulam Ahmad. Toward the end of 1934, Ahmadis began to hold counter public meetings. Public arenas in colonial Punjab thus became sites of intense Ahmadi-Ahrar hostilities. Although colonial authorities periodically arrested individuals such as Bukhari on grounds of inciting communal tensions, arrests were made toward the end of maintaining order and were devoid of any efforts to structurally address and resolve intensifying religious conflicts.

As ordinary Punjabis became increasingly attuned to Ahrar's anti-Ahmadiyya cause, Ahrar began to engage in efforts to recruit volunteers and raise money for an "anti-Qadian day" that was eventually held in December 1934. Speeches and rallies against the Ahmadiyya movement continued into 1935, leading Bashiruddin Mahmud to accuse the government of partiality toward the Ahrar. The Ahrar, on its part, accused colonial authorities of partiality toward Ahmadis because of occasional arrests of their leaders.

At the same time, Ahrar and Ahmadis were engaged in a newspaper war. Ahrar deployed its newspaper *Ahrar* and the influential Lahore-based newspaper *Zamindar* to disparage Ahmadis.⁹⁷ Ahmadis used their own publications such as the newspaper *Al-Fazal* to communicate their counterattacks. A Punjab government official subsequently made the following observation on Ahrar activities at this time:

The Ahrars, who at this period were at the height of their power, were undoubtedly seeing in this agitation a good opportunity to increase their political strength in anticipation of the new constitution and were not averse to collecting the funds popular sympathy for their cause was supplying.⁹⁸

The reference to "the new constitution" referred to the Government of India Act of 1935, which was being drafted at that time in Britain. It was

⁹⁷ *Zamindar's* editor, Zafar Ali Khan, was well known for his sympathies with the anti-Ahmadi cause and would play a leading role in the anti-Ahmadi agitation of 1953 in Pakistan.

⁹⁸ Government of Punjab (1939: 37, emphasis added).

anticipated that this act would mandate provincial elections. The Ahrar, in this perspective, were engaged in efforts at acquiring political capital through a cultural anti-Ahmadiyya program. This prognosis was borne out in two elections held under this act in 1937 and 1946, which demonstrated the marked hostilities between Ahrar and other Muslim parties, notably the Muslim League and Khaksars.⁹⁹

In the middle of 1936, an Ahmadi-Ahrar dispute arose over the burial of Ahmadis in the Qadian cemetery. In July 1937, the Ahrar joined hands with a number of excommunicated Ahmadis to engage in polemics about the supposedly lavish and despotic lifestyle of Bashiruddin Mahmud. It was around this time, in March 1937, that Ahrar suggested that the Punjab Legislative Assembly pass an act declaring Ahmadis non-Muslim. Ahrar also announced that it would maintain distance from Jinnah's Muslim League on the grounds that it included Ahmadis. Here we see most clearly that the Ahmadi question was increasingly becoming entangled with the structural logic of electoral competition, emerging as an issue on which votes could be garnered in Punjab.¹⁰⁰

The shift in public attitudes toward Ahmadis as a result of Ahrar's campaign can be gleaned by first noting a Punjab police officer's observations made in 1928:

There is not a single incident on record in which his followers have been denied the use of mosques or Muhammadan burying-grounds or have in any way been molested, except in one case at Cuttack where some converts to Ahmadiyyaism wished to change the form of worship in the principal mosque in the town – a course to which the rest of the Muhammadan population naturally objected.¹⁰¹

The same report, issued by the government of Punjab, notes that “the year 1935 was marked by a definite change in the attitude of the Qadian Ahmadis towards the Government.”¹⁰² By this time, the Ahmadiyya movement was getting increasingly disillusioned with

⁹⁹ See Malik (1995), Gilmartin (1998a), and Talbot (1980) for succinct and illuminating discussions of the 1937 and 1946 elections, respectively.

¹⁰⁰ The Ahrar, and indeed the Ahmadis, too, were actively engaged in contentious politics directed at Hindus and Sikhs. Two cases in point are the *Rangila Rasul* controversy in the late 1920s (which pertained to a book written by a Hindu affiliated with Arya Samaj that ridiculed the Prophet Muhammad) and the Shahidganj mosque controversy in 1935 (during the course of which Sikhs demolished the mosque). These controversies also depict the entanglements between symbolic politics and political interests. See, for example, discussion of these events in Gilmartin (1988), Jalal (2000), and Stephens (2014).

¹⁰¹ Government of Punjab (1938: 1).

¹⁰² *Ibid.*, 17.

colonial authorities because attacks on the community had become a routine occurrence. This is suggestive of the extent to which Ahmadis were beginning to get alienated from non-Ahmadi Muslims in the run-up to the 1936 elections.

Akin to provincial authorities, the central government of India was fully mindful of tensions between Ahmadis and non-Ahmadis. Consider the case of an opening for the position of chief justice in 1938. Zafrullah Khan, a member of Viceroy's Executive Council, a practicing lawyer, and a prominent Ahmadi, made a bid for this position and was considered.¹⁰³ A number of objections were raised about his candidacy. The important one, for our purposes, was one that held that the appointment of a Muslim judge may cause resentment at a time when Hindu-Muslim communal tensions were high. The Muslim press had already noted the vacancy and had expressed their desire for a Muslim chief justice. One official reasoned that although he had "great regard for his abilities and character," appointing Khan was "out of the question" because it "would not be acceptable to Mohammadans as a body, since Zafrullah is an Ahmadi, and feeling between members of that sect and orthodox Muslims (which is always bad) is worse at the present time and for many years." Another official noted to Lord Linlithgow, viceroy of India between 1936 and 1943, that "the principal objection to his appointment lies, in my opinion, in the fact that he is an Ahmadi and, I am afraid, a fanatic and leading adherent of that sect." He went on to state: "I am convinced it would not be popular with Muslims generally."¹⁰⁴ Zafrullah Khan was not appointed to the position.

In short, by the end of 1930s, the Ahmadiyya community was beginning to get increasingly isolated from neighboring communities in Punjab and colonial authorities. Iqbal's public polemics against the Ahmadis, Ahrar's campaign against Ahmadis in Punjab, and the colonial state's acceptance of the rift between Ahmadis and non-Ahmadis as natural and inevitable significantly hardened Ahmadi/non-Ahmadi religious divides. As we will see next, this also hampered the position of the Ahmadiyya community vis-à-vis the Muslim

¹⁰³ India Office Records L/PO/8/92, accession no. 8433, National Documentation Center, Islamabad.

¹⁰⁴ *Ibid.* However, no consideration was given to Zafrullah Khan's religious status when it was time to renew his membership to the Viceroy's Executive Council in 1939, a position he continued to occupy until 1941. India Office Records L/PO/8/53, accession no. 8369, National Documentation Center, Islamabad.

League, which formally took up the cause of an independent state for Indian Muslims in its famous annual 1940 session in Lahore.¹⁰⁵

ELECTORAL POLITICS

In 1938, the Ahmadiyya leadership in Qadian wrote a letter to Muhammad Ali Jinnah. As mentioned earlier, the Muslim League had just emerged from particularly dismal provincial elections in which it had failed to form a ministry in any province. In the letter, the Ahmadi representative, Farzand Ali, appraised Jinnah that “the question whether members of the Ahmadiyya community should join the Congress or the League has been under serious consideration at the Headquarters of the Movement for some time past.”¹⁰⁶ Their difficulty, Farzand Ali wrote, arose from the ban on Ahmadi membership in the Punjab Provincial Muslim League. The exact timing of the ban is unclear, although it appears to have been undertaken somewhere around the mid-1930s and without consultation with the central Muslim League.¹⁰⁷ All members of the Punjab Provincial Muslim League intending to run for seats in the Punjab Legislative Assembly were required to take the following oath: “I solemnly promise that if I am elected, I will seriously struggle to get ‘Mirzaïs’ declared a separate minority from the Muslims for the betterment of Islam and Hindustan.”¹⁰⁸

This ban suggests that the Punjab Provincial Muslim League had been either unwilling or unable to shield itself from religious controversies raised by Ahrar. Furthermore, we can surmise that the appointment of Maulana Zafar Ali Khan, the anti-Ahmadi editor of the Urdu newspaper *Zamindar* (Lahore), to important positions within the Punjab Provincial Muslim League in 1937 must have created a hospitable environment for the ban on Ahmadis.¹⁰⁹ Farzand Ali held that unless these views were “authoritatively discarded” and Ahmadis allowed to participate in the

¹⁰⁵ This declaration is referred to as the Lahore Resolution. “Pakistan” was not named, and the question of how such a territorial entity would attain sovereignty was left deliberately vague (Jalal 2000: 396–7). It was on this occasion that Jinnah proposed the two-nation theory, declaring, “the Hindus and Muslims belong to two different civilizations which are based mainly on conflicting ideas and conceptions” (H. Khan 2005: 35).

¹⁰⁶ Maulvi Farzand Ali, Nazir Amoor Amma, Ahmadiyya Movement, to M. A. Jinnah, February 19, 1938, Shamsul Hasan Collection, Vol. 24 (henceforth SHC 24), National Documentation Center, Islamabad.

¹⁰⁷ Friedmann (1989: 37–8).

¹⁰⁸ SHC 24 (translation mine).

¹⁰⁹ See “A Chronology,” 53; available at: www.nihcr.edu.pk/Downloads/Chronology.pdf.

organization on equal footing with other Muslims, the Ahmadis could not be expected to join the Muslim League and “may be reluctantly driven to negotiate with the Congress.”¹¹⁰

Subsequently, the Punjab Provincial Muslim League announced that Ahmadis were not eligible for nomination as Muslim League candidates for legislatures. The Ahmadiyya community wrote another letter to Jinnah with a request to clarify his position on the stance taken by the Punjab Provincial Muslim League. If Jinnah disagreed with these policies, it was suggested, he might “kindly take suitable steps to impress upon the Provincial Branch their mistake in this matter.”¹¹¹ Jinnah responded tersely that “it is for you to adopt such course as you may consider proper.”¹¹²

Despite these thinly veiled threats, Ahmadiyya leadership was reluctant to join the Congress. For one, Bashiruddin Mahmud was concerned about religious freedoms that Muslims would enjoy under a Hindu-majority state. Furthermore, Gandhi’s refusal to give assurances to the effect that proselytization would be freely allowed in independent India led Ahmadiyya leaders to remain aloof from the Congress.¹¹³ In a letter to Liaqut Ali Khan, the secretary of Muslim League, a close aide of Jinnah, and the future first Prime Minister of Pakistan, the Ahmadiyya community again requested a clarification of the League’s position toward Ahmadis:

Before we can think of joining the Muslim League, we must be assured that we shall be eligible, as members of the League, for all the political privileges which are open to the Muslim community, including nomination as candidates for various legislatures on the Muslim League Ticket, as well as such assistance as the League will provide for its candidates.¹¹⁴

This time, the assistant secretary of the Muslim League, Shamsul Hasan, responded. He held that the League did not allow “communal representation” and that all members joined in their “personal capacity.” Regarding the reference to joining the Congress, Shamsul Hasan stated that that this

¹¹⁰ Maulvi Farzand Ali, Nazir Amoor Amma, Ahmadiyya Movement, to M. A. Jinnah, February 19, 1938, SHC 24.

¹¹¹ S. Zainulabedin, W. Shah, Nazir Amoor Amma, Ahmadiyya Movement, to M. A. Jinnah, June 7, 1938, SHC 24.

¹¹² Jinnah’s response is quoted in a letter from Nazir Amoor Kharijah, Ahmadiyya Movement, to Nawabzada Muhammad Liaqut Ali Khan, May 19, 1940, SHC 24.

¹¹³ Friedmann (1989: 38).

¹¹⁴ Nazir Amoor Kharijah, Ahmadiyya Movement, to Nawabzada Muhammad Liaqut Ali Khan, May 19, 1940, SHC 24.

decision “entirely rests on your free will and in that case the Congressite Ulmas like Ataullah Shah Bukhari and Habiburrahman Ludhianvi will be the best authority to be consulted for the religious stand point of your community.”¹¹⁵ Mentioning prominent Ahraris such as Bukhari and Ludhianvi was a sarcastic reference to the anti-Ahmadiyya elements within the Congress itself. Shamsul Hasan’s letter provoked a response from the Ahmadiyya community, which protested to Liaqut Ali Khan that the response to their letter contained “a sort of vulgar gibe at us, referring to our relationship with Ahrar, [which] is absolutely uncalled for besides being couched in very bad taste.”¹¹⁶ They again requested a clarification of the Muslim League’s position and demanded that it explicitly define as Muslim “any member of a Class or Community who profess to be Muslim and whom non-Muslims look upon as such.”

Shamsul Hasan responded that the word “Muslim” was best left undefined by the Muslim League for the sake of Ahmadis themselves:

If it is considered at all necessary to define the word, I would ask the Nazir [official] to give out the view point of his community towards the Muslims who are not Ahmadis. Are they not Kafir [heretics] in light of the Fatwa given out so often by the Founder of the Ahmadiyya community? I daresay it is the Fatwa alone which has dug a wide gulf between Muslims and Ahmadies; and which can not be bridged by simply defining the word “Muslim” in the way suggested by the Nazir. Such an amendment to the Constitution at the Annual Session is sure to cause a havoc and create religious and sectional controversies in the League.¹¹⁷

These interactions between the Muslim League leadership and the Ahmadiyya movement demonstrate that by the early 1940s, strictly religious controversies surrounding Ahmadiyya religious beliefs had become overtly political. We noted earlier that the Ahrar’s anti-Ahmadi activities were a key feature of religious conflict in colonial Punjab. Ahrar routinely advocated the idea of *sharia* rule, referred to Jinnah as a heretic, deployed *ulema* to issue *fatwas* against the Muslim League and Jinnah, and charged the Muslim League with being pro-Ahmadi.¹¹⁸ This rhetoric established some of the key terms of political discourse to which the Muslim League was obliged to respond. The Punjab Provincial Muslim League’s public

¹¹⁵ S. Shamsul Hasan to Nazir Umooor Kharijah, Ahmadiyya Movement, June 4, 1940, SHC 24.

¹¹⁶ Nazir Amoor Kharijah, Ahmadiyya Movement, to Nawabzada Muhammad Liaqut Ali Khan, August 3, 1940, SHC 24.

¹¹⁷ S. Shamsul Hasan to Nawabzada Muhammad Liaqut Ali Khan, August 9, 1940, SHC 24.

¹¹⁸ Jalal (2000: 418–22).

anti-Ahmadi stance must be situated in this discursive field. While Jinnah actively resisted Ahrar's demand that Ahmadis be ousted from the Muslim community and banned from the All-India Muslim League,¹¹⁹ the issue was left in the hands of provincial authorities in Punjab.

Ahmadis, however, continued to resist their marginalization within the Muslim nationalist movement. For example, the issue of Ahmadis joining the Muslim League was raised once again by Ahrar in 1944. Jinnah categorically refused these demands. In turn, the Ahmadiyya movement publicized that Jinnah had explicitly stated in an interview that Ahmadis could join the Muslim League and would enjoy the same privileges as "other various sects of Islam."¹²⁰ This provoked the *imam* (prayer leader in a mosque) of *Jama Masjid* (main mosque) in the city of Batala to send a letter to Jinnah to convey that "the Muslims of Batala are feeling perturbed over this news. Would you very kindly let us know if an Ahmadi can become a Member of the Muslim League?"¹²¹

Jinnah responded by sending both the Ahmadiyya movement and the Imam a copy of the constitution of the Muslim League and iterating its clause that all members must be Muslim, residents of British India, and at least eighteen years of age.¹²² Jinnah also issued a public statement to this effect, thereby avoiding making a specific statement on the issue of the religious status of Ahmadis. Earlier in 1943, however, Jinnah had unequivocally declared before the Working Committee of the Muslim League that "[t]he constitution of the Muslim League is the most democratic that could be framed. There is no Muslim to whom the doors of the Muslim League are not open."¹²³ However, from the perspective of Ahmadis, the Muslim League's stipulation that membership was open to all Muslims was an inadequate guarantee that Ahmadis would be able to join the Muslim League on an equal footing with others because Ahmadis were considered non-Muslim by many Muslims.

In the public arenas of colonial Punjab in 1944, the Muslim League was actively engaged in winning support for its demand for Pakistan, which entailed defining a unified moral community of the proposed nation-state. At the same time, Jinnah could not afford to ignore the local sentiments of

¹¹⁹ *Ibid.*, 442.

¹²⁰ Nazir Amoor Kharijah, Ahmadiyya Movement, to M. A. Jinnah, April 30, 1944, SHC 24.

¹²¹ Nazir Hussain, Imam of Jama Masjid Batala, to M. A. Jinnah, May 4, 1944, SHC 24.

¹²² M. A. Jinnah to Nazir Hussain, Imam Jama Masjid Batala, May 16, 1944, SHC 24.

¹²³ Quoted in Wolpert (1984: 225).

the Muslims of Batala. The transcendental Indian Muslim community, as Jinnah had come to appreciate during the course of 1940s, would have to be defined through a pragmatic negotiation with particularistic and regionally based sensibilities. Given the popular anti-Ahmadi sentiment in Punjab, Jinnah chose to refrain from taking an unequivocal stance on the eligibility of Ahmadis into the Punjab Muslim League, a proxy now for the religious status of Ahmadis. The Punjab Muslim League, in its part, was actively wooing their nemeses such as Ahrar and Khaksars with an eye toward the upcoming elections.

The 1946 elections were aimed at forming the Constituent Assembly for the future independent state of India. The Ahmadiyya movement approached Jinnah in 1945 and announced that it had “decided to co-operate with the Muslim League in all possible manner in the coming electoral campaign” with the expectation that they would not be given the same “step-motherly treatment” that they had received in the past.¹²⁴ They proposed to Jinnah that only those persons should be given Muslim League tickets who, regardless of their religious persuasion, were most likely to command the largest number of votes in that constituency. The Ahmadis could reasonably expect 50,000 to 75,000 votes in Punjab, and they were inclined that these votes serve the Muslim League because “at this critical juncture the Muslim voice should be one and united.” All Ahmadi candidates had been instructed to apply for Muslim League tickets and, if refused, to contest the elections as independent candidates. There was no reply to this letter. This is not surprising when we consider that at this moment the Muslim League abandoned its own long-standing members in favor of important Punjabi politicians with respect to issuing tickets.¹²⁵

These various episodes reveal that the Ahmadiyya movement found itself unable to forge a meaningful political alliance with the Muslim League in the decade preceding independence. Commenting on the religious rhetoric that was being deployed by the Muslim League in its 1946 election campaign, one onlooker noted to Jinnah in March 1946 that “at present one must shout with the crowd or get lynched by the crowd, and the feeling has been created that one who is not a Leaguer is worse than a *kafir* and should be hanged like a dog forthwith.”¹²⁶ However, while it

¹²⁴ Nazir Amoor Kharijah, Ahmadiyya Movement, to M. A. Jinnah, October 6, 1945, SHC 24.

¹²⁵ Talbot (1980: 89).

¹²⁶ Quoted in Khan (2007: 53).

was desirable that the numbers of "leaguers" increase, it was far from desirable that this be accomplished by including Ahmadis. From the standpoint of the Muslim League, Ahmadis were a liability because an alliance with them could compromise the Muslim League's attempts at consolidating their position as the only legitimate leadership of the Muslims of India.

BETWEEN NATION AND RELIGION

Pakistan and India became independent states on August 14 and August 15, 1947, respectively. The Ahmadiyya movement chose to make Pakistan its future home at the time of partition. In June of that year, Britain set up a Boundary Commission to demarcate the territories of independent India and Pakistan. Numerous groups including Ahmadis sent petitions to make suggestions about how what came to be known as the Radcliffe Line, named after Cyril Radcliffe, who chaired the Boundary Commission, ought to be drawn. The District of Gurdaspur containing the city of Qadian was located in an area in Punjab through which the boundary was to be drawn. In its petition, the Ahmadiyya movement made a case for inclusion of the District of Gurdaspur in Pakistan.¹²⁷

For reasons that are unconnected to this petition, the District of Gurdaspur was placed in India. Following this, the Ahmadiyya community first announced that it was choosing to stay in India "and, in keeping with their well-known teaching and traditions, to live as loyal citizens under the new India Government."¹²⁸ Their decision, they maintained, was undertaken for two reasons. First, it was the duty of Ahmadis to remain close to their sacred places unless ordered or forced by the government to vacate. Second, "[i]t was their duty to make Qadian a test case and provide to the outside world visible evidence whether Muslims who desired to live in the Indian Union as loyal and peaceful citizens were really wanted and could really have the protection which the Government promised them."¹²⁹

¹²⁷ The reasons enumerated in their memorandum included Qadian is "the living center" of the movement, and people "from all over the world seeking religious instruction and missionary training" flock to it; the movement's language is Urdu, which is also the language of Pakistan; 74 percent of the branches of the Ahmadiyya community lie in Pakistan; most of the financial assets of the community lie in Pakistan; and District of Gurdaspur "has a clear Muslim majority and is contiguous" to those that will be part of Pakistan (National Documentation Center 1983: 428).

¹²⁸ Ahmadiyya Community (1947: i).

¹²⁹ *Ibid.*, i-ii.

Subsequently, the Ahmadiyya movement found itself at the heart of post-partition violence in Punjab. Letters were sent to Indian nationalist leaders including Nehru, Patel, and Gandhi apprising them of the violence being perpetrated by Hindus, Sikhs, and local authorities on Muslims in Qadian and surrounding districts. A letter sent to Gandhi maintained that "Ahmadies will continue to make a present of their blood to the Indian Union."¹³⁰ Soon thereafter, following intense rioting between Muslims and Sikhs in Punjab, both governments of India and Pakistan decided that a complete "transfer of population" on the basis of religious identities would be undertaken in Punjab.¹³¹ Bashiruddin Mahmud moved to the city of Lahore in Pakistan and started making efforts for the safe exit of Ahmadis from Qadian to Pakistan.

This brief account of Ahmadiyya community's vacillation between India and Pakistan, depending entirely on the placement of Qadian with respect to the Radcliffe Line that was being drawn arbitrarily, demonstrates that partition was an extremely disorderly process. Its meanings for people at the time that it was being undertaken were complex and ambiguous.¹³² This account also suggests the uncertain relationship between religion and the nation on both sides of the emerging line at that time. Ahmadis could as easily imagine themselves in India as they could in Pakistan once it became clear that Qadian would not be part of Pakistan. They could not stay in India, however, because of the sheer inability of politicians in Delhi to manage the partition violence. Consequently, Ahmadis had to leave India for Pakistan through a violent act of separation from their homes (which, of course, was the fate of many others on both sides of the boundary).

CONCLUSION

This chapter has examined the politicization of religious controversies surrounding the Ahmadiyya community in colonial India. On the one hand, the colonial state's norms of religious neutrality and noninterference crafted the space for reform movements such as the Ahmadiyya movement to emerge and thrive in colonial India. At the same time, these very norms laid the foundations for the hardening of religious

¹³⁰ *Ibid.*, 54–5.

¹³¹ Zamindar (2007: 7).

¹³² This is suggested by two recently published books about the partition: Khan (2007) and Zamindar (2007).

identities, especially in the context of democratic politics under a system of separate electorates. Furthermore, the marginalization of Ahmadis in public arenas in Punjab became more acute as the rhetoric of Muslim self-determination began to gain more legitimacy. Iqbal's declaration of Ahmadis as heretics, the Ahmadi-Ahrar conflicts in public arenas of Punjab, the marginalization of Ahmadis within the Punjab Provincial Muslim League, and Jinnah's silence on the question of the religious status of Ahmadis transpired in public arenas in which religious hostilities took overtly political dimensions. In the process, fundamental questions about nation, state, and religion were raised even before the creation of Pakistan. These centered on the symbolic place of religious "deviants" within the Muslim community as well as the role of the state in adjudicating religious conflicts between the orthodox and the heterodox. These questions, as we will see in subsequent chapters, were carried over into Pakistan and were pivotal in shaping the trajectory of desecularization in Pakistan.

Democratic Exclusions, Authoritarian Inclusions

Foundational myths are a part and parcel of all modern nation-states.¹ The notion that permeates popular narratives in Pakistan is that under British colonial rule, Indian Muslims presented a unified front against the aggressive nationalism of the Indian National Congress that had sought to extinguish their “nationness.” Pakistan, it follows, was created for and by a monolithic Indian Muslim community. This idea of Indian Muslim “nationness,” encapsulated by the two-nation theory, indeed provided the popular slogan that allowed the All-India Muslim League to emerge as victorious in the 1946 elections.² However, as we know, the body of Muslims who came together at this moment was far from monolithic.

Chapter 1 examined political and cultural struggles among Indian Muslims in colonial India over defining and representing a unified Indian Muslim community. I argued that the Ahmadi question first emerged as a critical symbolic issue in the course of these struggles. This chapter interrogates how these conflicts took on a whole new dimension in postcolonial Pakistan. At that time, it was imperative that the two-nation theory be translated into an official religious ideology for the nation-state-in-the-making. I examine this transition through a focus on the nationalist classification struggles in the political field. My aim is “to generate a historical understanding of the nation that is neither historically determinist nor essentialist.”³

¹ Bhabha (1990); Smith (1999).

² Gilmartin (1988).

³ Duara (1996: 152). Also see Calhoun (1997) and Zubrzycki (2006).

The political construction of national identity is a highly contentious process in which individuals and groups with different political identities (such as religious, regional, racial, caste, class) participate to define and constitute the nation.⁴ It is a fragmented and uneven process characterized by intense struggles and contestations among different actors who often seek to institute distinct and mutually incompatible visions of the nation. In contrast to Western European countries, where understandings of citizenship and nationhood evolved organically over the course of elongated and contentious processes of state formation, similar processes in postcolonial countries have spanned much shorter time periods.⁵ Often the process begins at a precisely determined moment. The imperative that befalls the postcolonial elite immediately upon independence is the articulation of narratives and symbols of citizenship and nationhood. In the process, categories, distinctions, and boundaries constructed under colonial rule are renegotiated afresh.

A primary imperative of the modern state is to define an official ideology about religion. Typically, postcolonial states respond to this imperative by inserting relevant clauses in constitutional texts and forming policies on their basis.⁶ Various state and social actors in the political field compete with each other over defining official religious ideology, which, in countries like Pakistan, is linked to the question of national identity. In the course of these struggles, different nationalist classifications held by distinct state and social actors come to the fore.⁷ Some of these are able to inform state policies, while others are excluded. The determination of formal institutional procedures for adjudicating among different ideological standpoints is crucial in prefiguring which actors can successfully translate their nationalist visions into official policies. It is in the process of both determining procedures and forming policies that official imaginaries of the postcolonial nation-state (and attendant boundaries of inclusion and exclusion) are constructed.

This chapter elaborates these arguments by focusing on two distinct empirical sites between 1947 and 1954. First, I historicize foundational moments in which Pakistan was rendered a Muslim nation-state. This analysis rests on the examination of Constituent Assembly debates on the

⁴ Duara (1996: 161); Spillman and Faeges (2005).

⁵ Brubaker (1992); Corrigan and Sayer (1985).

⁶ Arjomand (2003).

⁷ Gorski (2013).

flag and the constitutional preamble of Pakistan in 1947 and 1949, respectively. I show that non-Muslim members of the Constituent Assembly were active participants in debates over state-religion relations in the immediate postcolonial period and sought to establish a substantively democratic and inclusive polity. However, their ideological visions of the nation-state were completely overlooked. The numerically larger body of Muslim League politicians voted in tandem to strike down all proposals put forward by non-Muslim members. I characterize the procedure/policy nexus governing these debates as one of *democratic exclusions*.

The second empirical setting of this chapter is the Pakistani state's response to a religious movement that arose in Punjab in 1952 demanding that the state officially declare the Ahmadiyya community a non-Muslim minority. I argue that in the absence of a concrete official religious ideology, the question of the religious status of Ahmadis became entwined with competitive dynamics in the political field. The Pakistani state's official policy of accommodation of Ahmadis resulted from the ability of specific state actors to translate their secularist ideology into a concrete policy outcome. I characterize the procedure/policy nexus governing this outcome as one of *authoritarian inclusions*.

I conclude the chapter by analyzing how *Jamaat-e-Islami*, the major Islamist party in Pakistan, staunchly resisted the policy of accommodation of Ahmadis by questioning both the procedures through which it was instituted and the secularist ideology on which it was based. On the whole, this chapter demonstrates that the Pakistani state was unable to arrive at an authoritative settlement of state-religion relations in its formative years.

FLAG DEBATES

A significant geopolitical feature characterizing Pakistan at the time of independence in 1947 was the territorial structure of the state. It consisted of two "wings," East and West Pakistan, which were separated by some 1000 miles, with India lying in between. While the eastern wing, which emerged as independent Bangladesh in 1971, was ethnically homogeneous, the western wing was composed of four provinces that were constituted along ethnic lines. Ethnic tensions resulting from such divisions, such as the Bengali Language Movement that arose soon after independence, have been endemic since the formative postcolonial

period.⁸ These have led to rigorous official attempts at articulating a centralizing ideology for Pakistan. As a result, numerous political leaders have deployed rhetoric about Islam in a bid to bind the disparate elements of “the nation” together.

This section historicizes the first crucial postcolonial moment in which the nascent polity was institutionally linked with a religious identity. The day in question is August 11, 1947. On this day, Pakistan’s Constituent Assembly met for the first time. One of the primary purposes of the Constituent Assembly was to frame a constitution for Pakistan. Its members had been determined through indirect elections held in 1946 under British colonial rule. There were only two political parties in the Constituent Assembly – the Muslim League, which had spearheaded the Muslim nationalist movement in British India under the leadership of Mohammad Ali Jinnah, and the Congress Party, representing Hindu and other religious minorities. Jinnah was appointed as the first president of the Constituent Assembly on this day. Notice that we are still three days away from Pakistan’s formal independence, which will be formally won on August 14.

It is generally held that political leaders who founded the state of Pakistan, particularly Jinnah, proposed a conception of a secular Pakistan. While a contentious issue,⁹ this reading is suggested by the speech delivered by Jinnah on this day. In this historic speech, Jinnah held that the basis of inclusion in Pakistan was political citizenship that vested each formal citizen with “equal rights, privileges, and obligations.” One of the crucial distinctions that the polity would have to deal with, as Jinnah very well understood, was religious identity, about which he proclaimed, “You may belong to any religion or caste or creed.

⁸ In March 1948, Jinnah categorically stated before various audiences in East Pakistan that the state language of Pakistan would be Urdu. The impetus for Jinnah’s statements was the Bengali Language Movement that had begun two months earlier and that demanded that Bengali also be made an official language. Influential Bengalis in the Constituent Assembly lent support to the movement. The movement became dormant for a while until it reignited in 1952 and continued well into 1954. The movement elicited an extremely harsh response from the state aimed at suppressing it. In 1954, the Constituent Assembly agreed to grant official status to Bengali. The first Constitution of Pakistan, passed in 1956, declared that “the state language of Pakistan shall be Urdu and Bengali.” The language movement came to an end at this point. The roots of Bengali nationalism that led to the eventual independence of Bangladesh are usually traced to this movement. See Oldenberg (1985) for a discussion.

⁹ The issue of whether Jinnah was a secularist or not, as we will see later, has been a point of debate since Jinnah’s death. In general, see Ahmed (1997) and Jan (1998).

That has nothing to do with the business of the State.”¹⁰ Jinnah further added

You will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.¹¹

On the whole, this speech upholds a vision of Pakistan as a liberal secular political entity. We should first note the immense symbolic significance of this speech, which is routinely invoked by Pakistanis committed to advocating secularism as a state ideology. But also note the profound tension between this vision of the polity and that contained in the two-nation theory. While the latter was premised on the notion of a territorial state for a specifically *Muslim* collectivity, the former sought to make religious identity of citizens immaterial to political citizenship.¹² This tension crucially animated nationalist classifications struggles that followed.

Popular Imaginings of the Flag

A highly overlooked dimension of this occasion in which Jinnah elaborated his aspirations for Pakistan is that Jinnah's famous speech was followed by a legislative debate on the design of the future flag of Pakistan. This “flag debate” constituted the first legislation passed by the Constituent Assembly. More significantly, it formed the first formal engagement between Muslim and non-Muslim politicians over a crucial national symbol and, consequently, over national identity of the emerging postcolonial state. An examination of this moment reveals the first institutional articulation of Pakistan's trajectory of desecularization that is defined by linkages between Islamic national identity and exclusion of religious minorities.

The literature on nations and nationalisms has captured the emotive significance of the flag. Having the trappings of a natural and timeless symbol, a country's flag is a deeply historical and situated symbol.¹³

¹⁰ Constituent Assembly Debates (henceforth CAP), August 11, 1947: 20.

¹¹ *Ibid.*

¹² The dissonance between Jinnah's speech and his preceding articulations of Muslim nationalism was so obvious that one of his biographers has referred to this episode of “remarkable reversal” as Jinnah's extemporaneous and “disjointed ramblings.” It led Muslim League politicians to subsequently insist that Jinnah read his speeches from prepared texts (Wolpert 1984: 339–40).

¹³ Weitman (1973).

A symbol “so central to the idea of nationhood that it is impossible to imagine the existence of a nation without it,”¹⁴ the flag has been characterized as having “totemic” significance.¹⁵ In postcolonial countries, the political challenge is to create a flag that symbolically renders the nation free from a colonized past and depicts the identity of the emerging sovereign polity. Not surprisingly, the flag becomes a site of contestation through which different visions of national identity are brought to bear on one another.¹⁶

The origins of the Pakistani flag go back to the flag employed by the Muslim League during its struggle for Muslim autonomy in colonial India. The flag proposed by Gandhi in 1923 for staging collective Hindu and Muslim protests against the British was subsequently reframed as the “national” flag in 1931.¹⁷ It was repeatedly criticized by the Muslim League for being the flag of the Congress Party and hence not adequately representative. In 1937, the Muslim League officially rejected its use as the national flag. The flag eventually adopted was set on a dark green background with a crescent and a moon in the center. The flag proposed, and eventually adopted, in Pakistan’s Constituent Assembly added a white rectangular stripe on the side to the same design.

At the time the emergence of Pakistan was becoming a concrete possibility, it was far from a foregone conclusion that the flag of the Muslim League would become the flag of Pakistan. Jinnah received numerous proposals from future citizens of Pakistan, both Muslim and non-Muslim, about the design of the flag. Even a cursory examination of these proposals depicts the centrality of the issue of symbolic representation of religious minorities on the flag.¹⁸ In other words, the issue of the place of religious minorities in Pakistan was raised at the very outset of impending statehood. Let us consider some of these proposals.

S. M. Asghar, a Muslim National Savings Officer, proposed that in addition to the existing elements of the flag of the Muslim League, eight stars should be added, two of which would represent the Sikhs and

¹⁴ Sorek (2004: 271).

¹⁵ Marvin and Ingle (1999).

¹⁶ For example, the 1964 flag debates in Canada revolved around both replacing “Britishness” with “Canadianness” and on “rival interpretations of Canadianism” (Champion 2006). Similarly, the flag proposed by the Palestinian elite in 1926 was eventually discarded because it “reflected the interests of relatively marginal social groups” (Sorek 2004).

¹⁷ Virmani (1999).

¹⁸ Quaid-e-Azam Papers, file no. 57/GG/47, National Archives of Pakistan, Islamabad.

Hindus. This, he argued, would represent the “different minorities under our Protection, and it would be generous on our part to represent these on our National Flag of Pakistan.” In this conception, minorities are legitimate *addenda* to the Muslim nation-state and deserve “generosity” from the majority.

Swami Brahmanath, president of All India Hindu Dharma Sangh, expressed concern about the “religious” character of the future state, appealing to Jinnah “not to act in any manner so as to make this State the exclusive monopoly of any particular religious community, how so ever large in numbers, but give it a name, shape, flag and constitution that can be acclaimed by all.” He also suggested that the name of the country be substituted from Pakistan to something else because “this name is conceived in hatred and is ill-suited to the common history of the people as a whole living within these areas.” He further proposed a “flag of the common people which can be the flag of all the people and which even the minorities might use on the occasions of private and social functions.” In this perspective, the task of establishing a postcolonial state entailed a radical break from the Muslim nationalist movement that had led to Pakistan’s independence. This was so because the nationalist movement had been premised on a religious identity, whereas the postcolonial state ought to be neutral vis-à-vis religion.

George D’Castellas expressed concerns about symbolic representation of Christian minorities on the flag. He proposed that a white triangle be inserted on the flag of the Muslim League. This would have “occult significance” because the triangle would represent, among other things, “the three great religions of Islam, Hindus and Christians in perfect unity under one but one only God Head.” This proposal in effect suggested that the Muslim nationalist movement, represented by its flag, could serve as the foundation for an equitable polity.

Even for the Muslims for whom the religious identity of the future state was a foregone conclusion, it was far from obvious that the flag of Muslim League would be designated the flag of Pakistan. For example, Abdul Ghaffar proposed a triangular flag with a “balance” at the tip denoting that “Islam always resorts to justice and peace,” a “sword” in the lower corner “suggesting that when persuasions for peace and order fail, we are forced by circumstances to adopt it,” and in the center “our old Crescent and Star with a heading of *Allah o Akbar* [Allah is Great] and a Verse from our Holy Quoran.” Mr. Khan suggested that the flag should be adopted in light of Quran and *Sunnah* (sayings and habits of Prophet Mohammad), and the best design to fit this would have a sun in the center with rays spreading in all four directions.

No mention of these letters emerged during the flag debates that followed Jinnah's speech. Liaquat Ali Khan moved the motion for adoption of the flag while maintaining that Pakistan "will be a State where there will be no special privileges, no special rights for any one particular community or any one particular interest."¹⁹ It will, he maintained, "stand for freedom, liberty, and equality to those who owe allegiance to this Flag of Pakistan."

Flag as a Contested National Symbol

The flag debates in the Constituent Assembly, which I analyze next, indicate that Pakistan's national identity was linked with Islam in this founding moment by marginalizing the voices of non-Muslims. The absence of flag designs proposed by ordinary citizens in this conversation did not constitute a nationalist exclusion. While this absence certainly demonstrates that the construction of national identity is an elite project, we can duly attribute it to the need for quickly and efficiently choosing a flag for the polity about to come into existence. A top-down, elite-led process is procedurally more efficient than adjudicating among the multitude of proposals sent by ordinary citizens.

What transpired within the Constituent Assembly, however, did constitute a moment of exclusion. After Liaquat Ali Khan tabled the motion for adoption of the Pakistani flag, Congress members unanimously expressed their disapproval by stating that the minority communities had not been consulted in the designing of the flag. It was proposed that a new inclusive committee be formed to reconsider the design. It was also noted that the proposed flag was "almost identical with the Party flag of the Muslim League," representing "the flag of a particular community," and was therefore contrary to Khan's own admission that "the flag should be a secular one, should not be identified with any religion or any community."²⁰ Bhim Sen Sachar, a Congress member, addressed Jinnah directly:

I have known from him [Khan] and from you, Sir, that this flag is not a religious flag and that this is a flag of a State which will be inhabited by Mussalmans [Muslims], Hindus, Sikhs and others, all as equal citizens of the State. That is a very welcome pronouncement. That the flag does not represent the suspected religious character is a very happy pronouncement.²¹

¹⁹ CAP, August 11, 1947: 22.

²⁰ *Ibid.*, 26.

²¹ *Ibid.*, 25.

However, he pointed out, Congress members had not been consulted about the design of the flag. This needed to be urgently remedied:

One thing which is essential [is] to have the Pakistan State built on a joint basis so that in no case should the minorities think that here is a majority, which conscious of the strength of its members, can march alone merrily without even bothering to consult the wishes of a minority in a measure of such great national importance.²²

Two issues were thus raised: one about the formal institutional procedures pertaining to determination of the design of the proposed flag and the second about the "content" of the flag, in particular, its identification with the Pakistan Movement and hence Islam.

In his response, Liaquat alluded to the incorporated white stripe as making "room for not only all the minorities that are today but for any other minorities that might spring up hereafter." At this point, Bhim Sen Sachar interjected: "I hope you will not create them!"²³ With these words, Sachar cast a portentous gaze on the path that Pakistan will subsequently follow with respect to management of the Ahmadi question. The ethos of religious nationalism through which Ahmadis were forcibly declared a non-Muslim minority by the Pakistani state, to which we will turn in Chapter 3, was foreseen as a concrete possibility on the very occasion in which Jinnah had delivered his historic speech laying out secular liberal norms of religious equality. Following this discussion, the motion to form a committee to reconsider the flag was put forth by minority representatives and defeated by the majority Muslim League vote. The flag proposed by Liaquat was put on the table and accepted by the majority Muslim League vote.

The flag was neither a popularly charged symbol nor did it evoke vocal public debates of the kind that would emerge over the Preamble of the Constitution in 1949. The flag debate does, however, indicate that the flag adopted did not represent consensus on the religious identity of the state. Instead, it was a moment in the formation of this identity. What is even more striking about the flag debate is that it occurred right after Jinnah's speech. That Jinnah did not intervene in the debate suggests that for him the issue was neither one of the role of Islam in state formation or of establishing a substantively democratic practice. Jinnah's silence is indicative of the perceived importance of establishing continuity between the budding state and the Muslim nationalist movement preceding it. However, the letters sent to Jinnah suggest that for many future citizens

²² *Ibid.*

²³ *Ibid.*, 28.

of Pakistan, it was imperative that the flag symbolize a new beginning through recasting the role of Islam and the Muslim League in the national narrative. The plethora of flag designs proposed gives a flavor of that moment of transition in which a more inclusive polity was perceived as a real possibility. But the outcome of the flag debate was that an institutional process inscribing otherness on non-Muslim citizens of the polity began to emerge.

CONSTITUTIONAL PREAMBLE DEBATES

The marginalization of concerns of non-Muslim minorities during the flag debate set an important precedent for future constitutional debates, particularly on the Preamble of the Constitution termed the "Objectives Resolution" that took place in 1949. The Resolution was adopted in March of 1949 in the same Constituent Assembly that had debated the flag. The preamble debate followed Jinnah's death in September of 1948.

Of the eleven clauses of the Objectives Resolution, explicit reference to Islam appears in three.²⁴ First consider the opening clause, which unambiguously poses a hierarchy of sovereigns for the new polity – Allah, the State, and the People:

Sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust.

The motion to adopt the Objectives Resolution was passed by Prime Minister Liaquat Ali Khan. In his speech that followed, Khan clearly indicated that "Pakistan was founded because the Muslims of this sub-continent wanted to build up their lives in accordance with the teachings and traditions of Islam."²⁵ Pakistan's Islamic society would pave the way for a new world order by providing "a panacea to the many diseases which have crept into the life of humanity to-day."²⁶ At the same time, Khan also firmly denounced the notion of a theocracy, or "Government by ordained priests," for "such an idea is absolutely foreign to Islam . . . If there are any who still use the word theocracy in the same breath as the polity of Pakistan, they are either labouring under a grave misapprehension, or indulging in mischievous propaganda."²⁷

²⁴ See Appendix A for the text of the Objectives Resolution.

²⁵ CAP, March 7, 1949: 2.

²⁶ *Ibid.*, 2.

²⁷ *Ibid.*, 3.

While not a theocratic Islamic state, he maintained, Pakistan was to be a "Muslim" state because Islam recognizes no separation between religion and politics.²⁸

The Constituent Assembly was split along religious lines, with Muslim League members voting unanimously for the Objectives Resolution and Congress members proposing numerous amendments. Muslim League members also held vastly different conceptions of the relationship between religion and the state. On one end of the spectrum was Maulana Shabbir Ahmad Uthmani, perhaps the most prominent *alim* (plural: *ulema*) in Pakistan at the time. Uthmani supported the Objectives Resolution by maintaining that Islam did not accept "the view that religion is a private affair between man and his creator and as such has no bearing upon the social or political relations of human beings."²⁹ Uthmani thus made a case for the complete fusion of religion and state. On the other end of the spectrum was Mian Iftikharuddin, an ardent socialist and the only Muslim member of the Constituent Assembly to express disapproval of the Objectives Resolution for falling short in "the field of political, economic and social justice."³⁰ For Iftikharuddin, the crucial question was how to turn Pakistan into a "dynamic democracy," and the answer was to be found in socialism and not Islam.³¹

In between these two positions lay other Muslim League members such as Zafrullah Khan, the first Foreign Minister of Pakistan and the only Ahmadi in the Constituent Assembly. Khan strongly defended the Objectives Resolution's clause requiring the state to make provisions enabling Muslims to order their lives in accordance with the principles of Islam. He maintained that as long as political authority was "exercised through representatives freely chosen by the people," Islam could only aid the quality of democracy.³² That these widely different personalities with distinct visions of the ideal relationship between religion and the state could agree on the Objectives Resolution is only explicable when we consider that all the clauses referencing Islam were nominal in nature. Adoption of the Objectives Resolution as the unified voice of the Muslim League was necessary because it consolidated the party's political standing and conferred significant symbolic capital on it.

²⁸ "[A]ll authority should be exercised in accordance with the standards laid down by Islam so that it may not be misused" (*ibid.*, 2).

²⁹ CAP, March 9, 1949: 44.

³⁰ *Ibid.*, 52.

³¹ *Ibid.*, 53.

³² *Ibid.*, 68.

Ulema and Islamists were crucial in shaping the content of the Objectives Resolution. Although *ulema* and Islamists often overlap in religious ideology, the two constitute distinct religious groups. In general, *ulema* are trained in traditional sites of learning, or *madrassas*, where they receive instruction through a study of foundational religious texts on *fiqh* (Islamic jurisprudence) in addition to the Quran and *Sunnah* (sayings and habits of Prophet Mohammad).³³ For *ulema*, traditional religious learning and personal conduct are the central modes through which a Muslim religious identity is realized and perfected. Islamists differ markedly in their political orientations in that while wedded to the same sources of religious learning as the *ulema*, they seek to restore the primacy of Islamic norms by applying them to contemporary social and political realities. Hence, while the *ulema* may be politically indifferent, Islamists are “explicitly and intentionally political.”³⁴

Here I want to note the influence of one of the most powerful Islamists of Pakistan, Sayyid Abu'l-A'la Maududi (1903–79), who founded the Islamist political party *Jamaat-e-Islami* (JI) in colonial India in 1941. While initially ambivalent about the creation of Pakistan, Maududi subsequently undertook a campaign for an “Islamic Constitution.” This became an increasingly public project and a concerted effort in independent Pakistan, routinely arousing the ire of state authorities who periodically banned the JI’s publications and detained Maududi in the years between 1947 and 1958.³⁵ While Uthmani was led toward constitutional debates because of his political position as a member of the Constituent Assembly, Maududi’s entire political project in these years rested on proposing a blueprint for the Pakistani constitution that would make *sharia* the law of the land and crucially transform the entire social fabric of Pakistan.³⁶ Maududi was also an avid critic of Muslim League politicians, who, he claimed, used Islamic rhetoric for political ends and thereby lacked commitment to the demands of a genuine Islamic state.

In the time period preceding the Constituent Assembly debates, JI made overtures to Uthmani in a bid to join hands in the struggle to influence the content of the Objectives Resolution. Uthmani became the medium through which Maududi sought to legitimize his own vision of Pakistan’s

³³ Zaman (2002).

³⁴ Euben and Zaman (2009: 4).

³⁵ Nasr (1994: 103–46).

³⁶ Maududi (1980: 101).

Constitution.³⁷ It was through these combined efforts that references to Islam came to occupy such a central place in the Objectives Resolution. When the Objectives Resolution was passed, JI proclaimed it a victory for itself, implicitly suggesting that Uthmani had served as a conduit for Maududi's vision.³⁸ One Muslim League politician subsequently observed that references to Islam were made solely to satisfy Uthmani.³⁹

The scholarly consensus, based both on its text and on the speeches given by Muslim League politicians in its support, is that the Objectives Resolution marks a moment of profound Islamic modernist experimentation with constitutionalism.⁴⁰ In contrast to *ulema* and Islamists, modernists are defined by a desire to reinterpret, and hence adopt, Islam to modern exigencies, practices, forms of knowledge, technologies, and institutions.⁴¹ Notwithstanding the agency of Islamists and *ulema* in linking Pakistan's national identity with Islam, the Objectives Resolution was ultimately a triumph for Muslim League modernists who sought to symbolically link Pakistan's national identity with Islam while resisting theocratic foundations for the state.⁴² The significant point to note, for our purposes, is that the Objectives Resolution neither endorsed a *sharia*-based Islamic state nor ruled it out. The Resolution is conspicuous for symbolically valorizing a Muslim national identity without spelling out concrete norms and policies that could serve to authoritatively settle the issue of state-religion relations in Pakistan. This crystallized during the course of Constituent Assembly debates itself.

Non-Muslim Visions of the Muslim Nation-State

The Objectives Resolution upheld a Muslim national identity while leaving the precise contours of state-religion relations undefined. Fearing this ambiguous religious ideology and foreseeing the potential for non-Muslims to fall victim to it, Congress members sought to introduce a measure of ideological fixity by proposing that Islamic principles be clearly defined lest they become amenable to authoritarian and undemocratic practices. The Objectives Resolution states that Pakistan

³⁷ Binder (1961: 138–9).

³⁸ Nasr (1994: 124).

³⁹ Hyat Khan (1995: 220).

⁴⁰ See N. Khan (2012) and Qasmi (2010) for two innovative discussions.

⁴¹ Euben and Zaman (2009: 6).

⁴² Binder (1961). The Objectives Resolution's relevance has deepened in Pakistan with time, especially with its insertion into the main text of the Constitution by Zia-ul-Haq in 1985.

will be a state "wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures." The points of contention raised by Congress members did not pertain to issues of rights of minorities but to the broader question of citizenship equality between Muslim and non-Muslim Pakistanis.

Liaqut Ali Khan had maintained in his speech that "the minorities may look forward, not only to a period of the fullest freedom, but also to an understanding and appreciation on the part of the majority which has always been such a marked characteristic of Muslims throughout history."⁴³ Congress members challenged the implied hierarchical relationship between the "majority" and "minorities," which was constituted by the idea that minorities will be bestowed with "understanding and appreciation." The revisions they proposed were intended to bring all religious communities on equal footing with respect to citizenship rights and national belonging. Their primary demand was that the Objectives Resolution should explicitly uphold citizenship equality between Muslim and non-Muslim citizens.

Some Congress members advocated secularism as the official policy of the state. For example, Bhupendra Kumar Datta (henceforth B. K. Datta) adopted a liberal secular position that politics and religion constituted two distinct spheres of social activity. By intermingling faith with politics/reason, the Resolution ran "the risk of subjecting religion to criticism, which will rightly be seen as sacrilegious," of crippling reason and curbing criticism.⁴⁴ He proposed that the first clause, which we encountered earlier, be omitted altogether. Another Congress member, Raj Kumar Chakravarty, also objected to the "deification of the state,"⁴⁵ arguing that such a clause opened the door for authoritarian usurpation of state power by "a political adventurer" in the name of Islam and through declaring "he is the Ruler of Pakistan, anointed by his Maker."⁴⁶ This argument rested on a liberal defense of the separation between religion and politics and held that the state ought to be neutral vis-à-vis religion.

Raj Kumar Chakravarty further demanded inclusion of provisions that would provide for more substantively democratic institutions. For example, he noted that the first clause vested sovereignty in the state and not the

⁴³ CAP, March 7, 1949: 5.

⁴⁴ CAP, March 8, 1949: 14.

⁴⁵ *Ibid.*, 15.

⁴⁶ *Ibid.*, 14.

people. He proposed that the phrase "State of Pakistan through its people" be substituted by the words "people of Pakistan."⁴⁷

The next point of contention related to interpretation of Islamic principles that were endorsed in the Preamble. Nearly every Congress member noted the practical difficulties in forming official policies through recourse to religion. B. K. Datta noted

[Religions] are subject to different interpretations by different theologians and divines. It, therefore, becomes a difficult matter when you speak of those "limits" prescribed by the Almighty. They remain subject to interpretations and being there in the very Preamble of the Objectives Resolution of our constitution, will remain liable to variations, liberal or rigid, from time to time by different authorities and specialists.⁴⁸

The primary issue raised was that Islam contained room for instituting both modern democratic institutions and an authoritarian theocracy. Kamini Kumar Datta (K. K. Datta) noted that Islam did provide sound and admirable ideals for establishing an ethical polity. However, if not properly defined, vague Islamic principles could lead to the establishment of an intolerant polity. He emphasized the need for "clarification," "clear concept," and "a firm, bold, definite, unequivocal proclamation" on issues of democracy, sovereignty, and Islam⁴⁹. Substantively, and with respect to citizenship equality, he implored that the Constitution be framed for "an indivisible Pakistan, not for the majority or for the minority."⁵⁰

Based on these objections, Congress members proposed concrete amendments to the Objectives Resolution. These amendments suggest the willingness of Congress members to yield to a constitutional document that would recognize the Muslim identity of the Pakistani majority. In turn, they demanded that the Objectives Resolution include explicit provisions deeming Muslims and non-Muslims equal citizens of the state.

Let us briefly examine some of the proposed amendments with reference to the fourth and fifth clauses of the Resolution, in which references to Islam appear. First, consider the fourth clause:

The principles of democracy, freedom, equality, tolerance and social justice, *as enunciated by Islam*, shall be fully observed.⁵¹

⁴⁷ *Ibid.*, 17.

⁴⁸ *Ibid.*, 15.

⁴⁹ *Ibid.*, 20, 22.

⁵⁰ *Ibid.*, 21.

⁵¹ Emphasis mine.

B. K. Datta, in line with his liberal secular views, proposed that the contentious phrase “as enunciated by Islam” be omitted. This clause would then read

Principles of democracy, freedom, equality, tolerance and social justice shall be fully observed.⁵²

K. K. Datta, who had proposed the argument that the spirit of Islamic principles be clearly stated in the Resolution, moved that the clause be amended to *include* “eternal principles” alongside those “enunciated by Islam.” The clause would then read

Principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam, *and as based upon eternal principles*, shall be fully observed.⁵³

Prem Hari Barma also moved that the words “as enunciated by Islam” be omitted from the clause. However, he continued, if such a proposal were unacceptable, the clause might be amended to bring all religions on an equal footing and include a reference to the United Nations (UN) Charter:

Principles of democracy, freedom, equality, tolerance and social justice, as enunciated by Islam *and other religions, but not inconsistent with the Charter of the Fundamental Human Rights of the United Nations Organisation*, shall be fully observed.⁵⁴

Notice that Barma’s proposed amendment explicitly names Islam, thereby upholding the Resolution’s valorization of a Muslim national identity. Barma’s motion to include a reference to the UN Charter was seconded by Raj Kumar Chakravarty, who argued that “further qualification is necessary to remove all misapprehension and misunderstanding with regard to the practical application” of the words of the Objectives Resolution.⁵⁵ The UN Charter was apt because it formed a “common property.”

Within the space of these debates, the liberal secular B. K. Datta renegotiated his own distrust of public religion that we noted earlier. Let me demonstrate how. Consider the fifth clause of the Objectives Resolution:

Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunna.

⁵² CAP, March 9, 1949: 26.

⁵³ *Ibid.*, 29, emphasis mine.

⁵⁴ *Ibid.*, 30–1, emphasis mine.

⁵⁵ *Ibid.*, 36.

B. K. Datta proposed an amendment whereby this clause would *add* a phrase upholding religious “toleration” of non-Muslims:

Muslims shall be enabled to order their lives in the individual and collective spheres in accord with the teachings and requirements of Islam as set out in the Holy Quran and the Sunna, *in perfect accord with non-Muslims residing in the State and in complete toleration of their culture and social and religious customs.*⁵⁶

B. K. Datta upheld the importance of “Quran and Sunna” for Muslims in leading fulfilling lives while suggesting an amendment that would ensure that this Muslim striving would be in accord with “complete toleration” and not come into conflict with the cultural, social, and religious strivings of non-Muslims.

Prem Hari Barma proposed an amendment whereby non-Muslims *too* would be enabled by the state to order their lives in accordance with their religion:

Muslims *and non-Muslims* shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of *their respective religions*.⁵⁷

All of these (and numerous other) amendments proposed by Congress members were shot down through the majority vote of Muslim League members. Congress members did not propose a unified narrative of state–religion relations in Pakistan. Different members proposed different visions of the polity depending on their own ideals and convictions. Overall, the picture that crystallizes is that Congress members endorsed the Resolution’s ethos of striving toward an ideal Muslim polity⁵⁸. At the same time, they demanded that it also uphold citizenship equality and incorporate “universal,” “eternal,” and shared ethical principles that, although found within Islamic norms, would not be rooted in it.

The flag and the preamble debates together constituted a crucial moment in the construction of a Muslim national identity for Pakistan. This moment marks the origin of a distinct trajectory of desecularization in Pakistan. As I discuss next, despite the exclusion of non-Muslims through formal democratic procedures, Muslim League politicians were reluctant to heed the demands of the anti-Ahmadiyya movement that emerged in 1952.

⁵⁶ *Ibid.*, 34, emphasis mine.

⁵⁷ *Ibid.*, 33, emphasis mine.

⁵⁸ N. Khan (2012).

THE FIRST ANTI-AHMADIYYA MOVEMENT

As noted in Chapter 1, right-wing religious groups, most notably the *Majlis-e-Ahrar-Islam* (Ahrar), were agitating against the Ahmadis and portraying them as heretics before the creation of Pakistan. The demand that Ahmadis be declared a non-Muslim minority was first made in Pakistan by Ahrar in 1949. Adoption of the Objectives Resolution gave Ahrar impetus to articulate their demands yet more vocally.⁵⁹ As early as 1950, state authorities were paying attention to the content of Ahrar's anti-Ahmadiyya rhetoric that was being spread across Punjab through local meetings.⁶⁰ Especially alarming for state authorities were statements that could readily be interpreted as incitements toward anti-Ahmadi violence. For example, one Ahrar leader often said in his speeches that if Mirza Ghulam Ahmad had claimed prophethood in his lifetime, he would have killed him with his own hands. It was also noted that on a few occasions such statements led to audience members volunteering to kill specific Ahmadis.

With Punjab provincial elections approaching in March 1951, prominent politicians such as Mumtaz Daultana, Chief Minister of the province, began to use anti-Ahmadi propaganda as a platform for winning support among the electorate.⁶¹ Furthermore, with economic crises and food shortages rampant in the summer of 1952, religious groups became active in channeling social unrest into religious grievances. In May 1952, Ahrar and some prominent *ulema* formed a *Majlis-e-Amal* (Council of Action) and formally adopted the demand that Ahmadis be declared a non-Muslim minority, that the Ahmadi Zafrullah Khan be removed from his post as Foreign Minister of Pakistan, and that Ahmadis be removed from all key government jobs.

During this time, Ahrar enlisted the support of JI. Maududi entered into an alliance with the Ahrar reluctantly and cautiously because his own Islamist project of a constitutional Islamic state militated against the confrontational strategies of Ahrar. In order to capitalize on the anti-Ahmadi movement but without aligning his JI too closely with the *Majlis-e-Amal* dominated by Ahrar, Maududi incorporated the demand

⁵⁹ Nasr (1994).

⁶⁰ Typically, in these meetings, writings of Mirza Ghulam Ahmad were misquoted and "twisted and obscene and indecent inferences drawn": Ahmadis described as traitors to Pakistan; Zafrullah Khan verbally abused and "often described as an 'ass' and as a 'knave'"; and lists of Ahmadi army and civil officers handed out (Lahore High Court 1954: 20).

⁶¹ Nasr (1994).

that Ahmadis be declared a non-Muslim minority into the constitutional blueprint that he developed for the Pakistani state.⁶² According to Maududi, the Ahmadi question ought to be decided by constitutional means and not by staging riots or partaking in violent actions. In his explanation for the proposed constitutional clause declaring Ahmadis a non-Muslim minority, Maududi likened the Ahmadi "problem" in Pakistan to the "Hindu-Muslim problem" in colonial India. He argued the Pakistani state should solve the issue before it conflagrated into a "wild fire."⁶³

Between July 1952 and January 1953, the Ahrar-led agitation became more confrontational toward the state despite public statements by Punjab Muslim League leaders and Prime Minister Nazimuddin that they were sympathetic to the Ahrar cause. For example, Chief Minister of Punjab Mumtaz Daultana⁶⁴ rescinded the ban on Ahrar activities⁶⁵ and openly gave patronage to newspapers such as the *Zamindar* (Lahore) that were at the forefront of posting inflammatory speeches against the Ahmadis. He presided over a meeting of the Council of the Punjab Muslim League in which the proposal was put forth that "the Ahmadis, who have a fundamental difference of attitude on a question of faith, should be classed as a non-Muslim minority in the Constitution of Pakistan."⁶⁶ In short, while Ahrar

⁶² The Constitution of Pakistan was eventually passed in 1956, seven years after adoption of the Objectives Resolution. A Basic Principles Committee (BPC) had been set up by the Constituent Assembly of Pakistan to work out the details of the Constitution. The first draft, presented in 1950, was severely criticized across Pakistan, but particularly in East Pakistan, over issues of provincial representation. The second report was presented in December 1952. It too was severely scrutinized and criticized on various grounds. In response, a group of *ulema* and Islamists including Maududi held a convention and presented their own model of BPC Report. A few of the amendments proposed were compulsory education of Quran and Islamic teachings in the educational system, prohibition through legislation of "the propagation of atheism and infidelity and the insulting or ridiculing of the Holy Quran or the *Sunnah*," "the Quran and the *Sunnah* be the chief source of the law of land," and the name of the state be changed from Pakistan to the "Islamic Republic of Pakistan" (Maududi 1980: 348). Maududi inserted anti-Ahmadi clauses in his proposed BPC Report (362). The important point, for our purposes, is that elements in the first anti-Ahmadiyya movement demanded a constitutional resolution to the Ahmadi question.

⁶³ Maududi (1980: 362).

⁶⁴ The Punjab Provincial Muslim League had strong linkages with the Ahrar and Islamist parties such as *Jamiat-ul-Ulema-e-Islam* (JUI), which gave it financial and other support during the provincial assembly elections held in 1951.

⁶⁵ Lahore High Court (1954: 91).

⁶⁶ *Ibid.*, 96.

TABLE 2.1 *A Newspaper Notice Issued by Majlis-e-Amal Directed to the Pakistani State*

Only 7 days left for the Fulfillment of *Majlis-e-Amal's* Notice

Test of Faith of the Government and Ministers

A delegation of *Majlis-e-Amal* in a meeting with the Prime Minister of Pakistan Khwaja Nazimuddin on 22 January placed the following demands by the *ulema* of Pakistan on behalf of the Muslims of Pakistan:

1. Chaudhry Zafrullah Khan should be removed from the post of the Foreign Minister.
2. Marzais [Ahmadis] should be declared a separate minority.
3. Marzais in various governmental departments should be restricted from taking undue advantage of their government posts and preaching Mirzayyat [Ahmadiyyat] among the Muslims.

One month notice was given for the acceptance of these demands.

Only 7 days are left for the Fulfillment of this Notice.

We hope that instead of trying the patience of the Muslims, the Government will seriously consider these demands and announce its decision as soon as possible.

Source: *Zamindar*, Lahore: February 19, 1953 (author's translation).

provided the initial leadership and spearheaded the movement, other religious bodies, most notably JI, quickly jumped on board, while politicians supported the movement for various reasons.⁶⁷

A delegation of *ulema* met with Prime Minister Nazimuddin, who declined to accept the demands, holding that the proper authority for declaring Ahmadis non-Muslim was the Constituent Assembly.⁶⁸ Increasingly, the *Ahrar* began to undertake violent and disruptive activities, using newspapers and pamphlets as media for coordinating riotous large-scale meetings, issuing threats to state authorities, and inciting violence against Ahmadis. With time, the movement turned from an agitation directed against the Ahmadis into one directed against the state. The significant shift that took place at this time was the employment

⁶⁷ During the course of the agitation, Maududi drafted a pamphlet entitled, "The Qadiani Problem," that was then circulated throughout the country in huge quantities. In it, Maududi laid forth the reasons that justified the Islamist demand that Ahmadis be declared non-Muslim, chief among them being that Ahmadis did not believe in the finality of the Prophet Mohammad (Maududi 1953). Because of his involvement in the agitation, a military court subsequently sentenced Maududi to death, although the charge was never carried out.

⁶⁸ Lahore High Court (1954: 129).

of the trope of “direct action,” a euphemism for large-scale riots that were eventually staged. Daily reports appeared in newspapers such as the *Zamindar* (Lahore) to the effect that all efforts were being made and volunteers being recruited in the thousands to march to Karachi, the capital of Pakistan, on a certain date so as to give public demonstrations and picket the residences of the Governor-General and Prime Minister of Pakistan. Notices directed toward the government appeared daily in the *Zamindar* exhorting the state to fulfill its demands (see Table 2.1). The state responded to these belligerent movement tactics with direct use of military force to dispel the movement and restore “law and order.” Next, I contextualize this state response.

AUTHORITARIAN INCLUSIONS

In addition to serving as the first president of the Constituent Assembly, Jinnah also held the position of Governor-General, a colonial office that was retained after independence in order to symbolically link the Pakistani state’s authority with that of the British colonial state. However, Jinnah invested this office with considerable executive power.⁶⁹ When the anti-Ahmadi movement was launched, an influential bureaucrat Ghulam Mohammad, occupied the position of Governor-General. At this moment, the bureaucrats as an interest group were powerful players in the political field. They were in the process of consolidating a bureaucratic-military oligarchy in direct opposition to elected politicians.⁷⁰

⁶⁹ Soon after independence, Jinnah secured his cabinet’s approval to overrule its decisions. Subsequently, he established similar levers of power vis-à-vis the legislative assembly (Jalal 1991: 62). While Ayesha Jalal holds that “the mainstay of government after Jinnah was the Pakistan cabinet, responsible to the legislature and, in theory if not in practice, the supreme executive authority” (Jalal 1991: 62), Ian Talbot, another influential historian of Pakistan, argues for the same period that “authority lay in descending order with the Governor-General, the Prime Minister and the central cabinet” (Talbot 1998: 134). In either case, it remains the case that the position of governor-general became extremely powerful vis-à-vis elected politicians. The powers of the governor-general included the authority to appoint key officials in the state, pass legislation, and stop legislation approved by the federal legislature by sending it back for reconsideration. The governor-general also enjoyed immense power over provincial governments by virtue of the position’s supervisory role of provincial governors, who, in turn, had considerable power over choosing and dismissing provincial ministers (H. Khan 2005: 50–1).

⁷⁰ A crucial point of contention between Prime Minister Nazimuddin and the military-bureaucratic coalition (led by Ghulam Mohammad and Commander in Chief of the Army General Ayub Khan) was the foreign policy of Pakistan, in particular, whether Pakistan

The anti-Ahmadi movement brought the unsettled nature of state-religion relations to fore. As the movement started to become more violent, Ghulam Mohammad ordered the Army to impose Pakistan's first martial law over the city of Lahore. Ghulam Mohammad also made Prime Minister Nazimuddin's government's inability to deal decisively with movement agitators the pretext for dismissing it in April 1953. The arrests of prominent *ulema* and Islamists, the dissolution of central government, and the imposition of martial law became events in the march toward political authoritarianism. Subsequently, in October 1954, after the religious movement had been suppressed, Ghulam Mohammad dismissed the Constituent Assembly altogether. This move was eventually challenged in the Federal Court of Pakistan, where Chief Justice of Pakistan Mohammad Munir declared this act of dissolution legal.⁷¹ The new cabinet set up by Ghulam Mohammad contained several high-level military officials, thus paving the way for the Army's eventual ascendancy in Pakistani politics.⁷²

The political field on the whole was severely compromised by these usurpations of political power, which sought to both exclude *ulema* and Islamists from making political claims and marginalize elected politicians. Although bureaucrats could not participate in popular constitutional debates in the political field, they eventually advanced their own vision of the relationship between religion and the state from which the policy of the accommodation of Ahmadis emerged. These bureaucrats, both civil and military, possessed a distinct habitus that took shape under the British colonial regime. This is hardly surprisingly considering that the relationship between the military and civilian establishment in Pakistan was strikingly similar to the one that had existed between the British Indian Army and the British colonial state.⁷³

Furthermore, the structure of the bureaucracy in the immediate postcolonial period was a continuation of its colonial predecessor.⁷⁴ Postcolonial state elite often remain imbued with colonial dispositions about local populations as subjects to be ruled over rather than citizens to

should form an alliance with the British Crown, as was Nazimuddin's leaning (Jalal 1991: 137–8), or whether Pakistan should “enter a Cold War driven regional defence organization sponsored by the USA” (Talbot 1998: 141). The latter was the preferred policy of the bureaucratic-military coalition.

⁷¹ *The Federation of Pakistan v. Moulvi Tamizuddin Khan*, PLD 1955, Federal Court 240.

⁷² McGrath (1996).

⁷³ Hashmi (1983: 149).

⁷⁴ Alavi (1983).

which they are beholden.⁷⁵ Indigenous members of the colonial bureaucracy who opted to join Pakistan on independence continued to enjoy discretionary, arbitrary powers in collusion with the provincial and local police. As Hamza Alavi notes, these “bureaucrats were brought up on the myth of ‘guardianship’, the idea that it was their mission to defend the interests of the people as against the supposed partisanship of and personal ambitions of ‘professional’ politicians.”⁷⁶ That the bureaucrats could undermine the authority of politicians was noted by contemporaries such as socialist Mian Iftikharuddin who, during the course of Constituent Assembly debates in 1952, criticized the presence of bureaucrats in ministries formed by the Muslim League.⁷⁷

In postcolonial Pakistan, then, bureaucratic and military elites were predisposed to being distrustful of both public manifestations of religion and elected politicians. The Ahmadi question provided them with an opportunity to advance their own vision of the relationship between religion and the state in Pakistan. The official response to the Ahmadi question was delivered by two judges, Justice Muhammad Munir, who was the senior judge and would eventually be appointed the chief justice of the Federal Court of Pakistan, and Justice M. R. Kayani. The judges led an inquiry commission entrusted with the task of inquiring into the circumstances leading to the declaration of martial law in Lahore and ascertaining the responsibility for the disturbances. The result of the inquiry was a 387-page published report entitled, “Report of The Court of Inquiry Constituted under Punjab Act II of 1954 to Enquire into the Punjab Disturbances of 1953.” This report, popularly termed the “Munir Report,” has been widely disseminated and analyzed and is seen as providing an astute secularist critique of the idea of an Islamic state.

The Munir Report also provides a window into the secular dispositions of the higher judiciary of Pakistan at that time.⁷⁸ During the course of the

⁷⁵ Mamdani (1996).

⁷⁶ Alavi (1983: 66).

⁷⁷ Toor (2011: 40).

⁷⁸ Lau (2006). For detailed analyses of the Munir Report, see Ahmed (2009b) and N. Khan (2012). Ahmed concludes that the Munir Report “exhibits considerable textual ambivalence in its discussion of Islam” because it vacillates between viewing Islam as at odds with political modernity and viewing Islam as a totality containing the potential for imparting social justice. N. Khan (2012: 99–104) offers a similar analysis and argues that the Munir Report is also ambivalent about the religious status of Ahmadis and the place of Islam in the polity. While I agree with these readings, my contention is that in the final instance, the report does not uphold an Islamic state, does not deem Ahmadis non-Muslim, and displays profound anxieties about public religion and mass politics.

judicial inquiry, the *ulema* brought before it argued that their anti-Ahmadi demands were based on the promise of an Islamic state contained in the Objectives Resolution. But this, according to the Munir Report, was an erroneous assumption because the Objectives Resolution was equally premised on two mutually contradictory principles: first, democratic ideals that vest sovereignty in the people, and second, the ideals of an Islamic state that vests sovereignty in Allah. The state could either be Islamic or it could be democratic.⁷⁹ The ambiguous nature of the Objectives Resolution and its inability to provide concrete norms for forming policies was clearly noted in the Munir Report.

The ambiguity created by the Objectives Resolution provided a crucial space for the judges to privilege their own ideological standpoint. The Munir Report draws on Jinnah's historic speech before the Constituent Assembly to espouse liberal-secular ideals: "The future subject of the State is to be a citizen with equal rights, privileges and obligations, irrespective of colour, caste, creed or community."⁸⁰ Consequently,

Faith is a matter for the individual and however, false, dishonest or ridiculous it may appear to be to another, it may still be held sincerely and honestly by the person who professes it, and we have not the slightest reason to doubt that the Ahmadis hold the founder of their community and its subsequent leaders including the present head in deep reverence. Any attack on these personalities must, therefore, have deeply wounded the religious susceptibilities of the Ahmadis.⁸¹

Politicized religion, however, is a vehicle for disorder and "an embodiment of complete intellectual paralysis."⁸² The inquiry commission questioned a host of *ulema* on their views on what constitutes an Islamic state and what defines a Muslim. Based on a range of differing opinions that were put forth, the Munir Report concluded that the *ulema* "were hopelessly disagreed among themselves" on the very important question of who was a Muslim.⁸³ At the same time, the report added

We ... do not say that the Ulama's outlook is narrow because they are Ulama; it is narrow because they are specialists in one branch of life. They look for rain that their own small crop should thrive; they do not know or care where it injures another small crop five miles away.⁸⁴

⁷⁹ Lahore High Court (1954: 210).

⁸⁰ *Ibid.*, 203.

⁸¹ *Ibid.*, 279.

⁸² *Ibid.*, 220.

⁸³ *Ibid.*, 36.

⁸⁴ *Ibid.*, 298.

Furthermore, the judges linked their distrust of politicized religion with populism, noting that "the masses" can be set on "any course of action, regardless of all considerations of discipline, loyalty, decency, morality or civic sense" if convinced on religious grounds:

If there is one thing which has been conclusively demonstrated in this inquiry, it is that provided you can persuade the masses to believe that something they are asked to do is religiously right or enjoined by religion, you can set them to any course of action, regardless of all considerations of discipline, loyalty, decency, morality or civic sense.⁸⁵

This narrative about politicized religion was woven into a specific colonialist view of citizens as devoid of "intelligence," without "a sufficiently developed mind," and to be "led" by "the leaders."⁸⁶ The Munir Report strongly reproached Prime Minister Nazimuddin for his failure to deal firmly with the religious establishment. His inaction, the Munir Report maintained, was based both on his erroneous conclusion that the anti-Ahmadi demands enjoyed a broad popular appeal and from personal sympathies to the anti-Ahmadi demands. About Nazimuddin, the Munir Report states

His own belief was that if ninety per cent of the *Ulama* agree that a believer in Mirza Ghulam Ahmad was a *kafir* [heretic], or that he should be stoned to death, he would bow his head to the decision. But the *fatwa* of *kufr* [heresy] does not necessarily turn a community into a non-Muslim minority. The basis of the Demands has, therefore, no connection with the demand for an Islamic state. *Fatwas* of *kufr* have been quite a feature of Islam since the Four Caliphs, but they have never resulted in the denial of civic rights to the individuals or classes against whom the decree was made. This is very comforting indeed, in a state where *fatwas* are likely to become as necessary as guns and butter.⁸⁷

Harsher criticism was made of Punjab Chief Minister Mumtaz Daultana, who it was claimed had aided the agitation for his own ends in order to detract attention away from the food shortages plaguing Punjab, weaken the Nazimuddin government and thereby create space for himself at the center, and garner the support of the religious establishment for future elections.⁸⁸ In short, the Munir Report characterized political parties and leaders as exploiters of religion. In this narrative, Ahmadis emerge as the victims, the silent minority being used by corrupt political parties and

⁸⁵ *Ibid.*, 231.

⁸⁶ *Ibid.*, 275.

⁸⁷ *Ibid.*, 291, emphasis mine.

⁸⁸ Jalal (1991: 153).

victimized by religious bigots. The outcome was a policy of state accommodation of Ahmadis.

ISLAMIST CHALLENGE

In 1954, the same year that the inquiry commission concluded its work and published the Munir Report, the JI issued a detailed written response entitled, "An Analysis of the Munir Report" (henceforth *The Analysis*)⁸⁹. *The Analysis* is particularly relevant to the present discussion because it explicitly opposes the procedures, assumptions, and findings of the inquiry commission. It challenges the idea of the secular state defended in the Munir Report and is written with acute cognizance that it is partaking in an ideological confrontation between two distinct visions of the Pakistan nation-state – a secularist view and an Islamic view.

The Analysis begins by challenging the Munir Report's presentation of *ulema* as "bigoted, illiterate and ignorant fanatics who live in a tiny shell of orthodoxy and know nothing of the world around them."⁹⁰ Because "it comes from the pen of two judicial authorities [and] its statements are being taken as 'official' and 'authoritative' and 'authentic,'" the Munir Report enjoys a "sort of authenticity."⁹¹ Consequently, its assertion about "the impossibility of an Islamic state" needs to be rigorously scrutinized. *The Analysis* subsequently deals with a host of issues pertaining to numerous aspects of the inquiry commission and the Munir Report. For example, it challenges the procedures followed by the Inquiry Commission in order to establish that these were "subject to all the dangers of inaccuracy, inexactness, bias and folly."⁹² It rejects the finding that the anti-Ahmadiyya movement was a violent and unconstitutional movement.⁹³

The Analysis also questions the inquiry commission's premise that this was a sectarian movement directed against the Ahmadis, instead holding that "the two parties to the dispute were the Muslim masses on the one hand and the Government and the Consembly [Constituent Assembly] on the other."⁹⁴ In so doing, *The Analysis* continued to defend JI's anti-Ahmadi demands by linking them with "the Muslim

⁸⁹ Ahmad (1956). This report was initially prepared in Urdu but was subsequently translated into English. It was penned by Khurshid Ahmad, one of the intellectual doyens of JI.

⁹⁰ *Ibid.*, 2.

⁹¹ *Ibid.*, 2, 6.

⁹² *Ibid.*, 10.

⁹³ *Ibid.*, 19.

⁹⁴ *Ibid.*, 21.

masses.” *The Analysis* further argues that since the inquiry commission was not aimed at giving an impartial “judicial verdict,” the findings contained therein must be seen as “personal opinion” of the judges and thereby open to scrutiny by concerned citizens.⁹⁵

Perhaps the most interesting aspect of *The Analysis* is the ways in which it articulates the relationship between secular nationalism and exclusion of national minorities in order to defend the legitimacy of JI’s anti-Ahmadi demands. It begins by establishing the empirical linkages between violence and secularist states:

And what, after all, did the Muslim masses demand of the Government and the Constituent Assembly in respect of the Qadianis? Did they demand that they should be wiped out of existence – as is done to ideological minorities in the Soviet Russia? Did they demand that they should be driven out of Pakistan – as was done in the case of Jews in Germany? Did they demand that they should be deprived of their vital basic rights – as is the practice in many of the “Peoples’ democracies” and in “democratic” colonies? Did they demand that they should be dis-enfranchised? Did they demand that they should not be allowed to enter common educational institutions or recreational places – as is done in the case of Negroes and other coloured people in America, Australia, South Africa and other places? Did they demand that they should be lynched or persecuted? Did they demand that they should not be treated equal in sight of law? That their social status should not be at par with other citizens? That they should be deprived of their separate existence and be either eliminated or absorbed? No and never!⁹⁶

In this perspective, the forcible rendering of Ahmadis as non-Muslim is innocuous compared to the treatment that is meted out to national minorities in the secular West. This is one of the central motifs of *The Analysis*. At various points, Western authorities (e.g. Charles Dickens, Bertrand Russell, Arnold Toynbee, and Albert Einstein, among others) are invoked to provide further support for the linkages being drawn between “secularism and intolerance.”⁹⁷ Thus “The Analysis” maintains that “the race-worship of Germany, the class-worship of Russia, the colour-worship of America and Africa and the ‘nation-state-worship’ of all of them are a bitter commentary on the cure-all-claims of secularism. In the reign of secularism, intolerance, cruelty, fanaticism and violence are grossly rampant.”⁹⁸

⁹⁵ *Ibid.*, 61, 136.

⁹⁶ *Ibid.*, 22–3.

⁹⁷ *Ibid.*, 26.

⁹⁸ *Ibid.*, 30–1.

The Analysis further holds that even in the Muslim world, "secularisation of politics and political intolerance have gone hand-in-hand," situating "Mustafa Kemal of Turkey and Raza Shah of Iran [*sic*]" as the "most despotic, intolerant of opposition and fanatical in their approach and outlook."⁹⁹ *The Analysis* then turns its attention to the linkages between the "age of democracy" and "the age of Imperialism," pointing to the destructive effects of European colonialism in India, China, and Africa.¹⁰⁰ *The Analysis* thus challenges the argument, propounded in the Munir Report, that "religion breeds intolerance" instead seeking to demonstrate that "intolerance has been more severe, more biting and more inhuman in the secular and atheistic regimes."¹⁰¹

The impression given at this point of the report is that the author is set to make a case about the ways in which religious systems provide more equitable systems of governance than secularist ones and, second, that the demand to exclude Ahmadis from the category of "Muslim" is, comparatively speaking, an innocuous one. Indeed, *The Analysis* veers in this direction by noting the ways in which premodern Islamic societies accommodated religious minorities in their midst.¹⁰² However, when *The Analysis* subsequently returns to the question of minorities, it is to ask if there is any country in the world "where the national minorities enjoy equal rights with the national majority *in actual practice*" as opposed to "written provisions of constitutions."¹⁰³

The Analysis again refers to "Red Indians" and "Negros" in the United States, Muslims in India, and blacks in South Africa (among others) to argue that countries follow their declarations of fundamental rights "only to the extent to which their environment, traditions and exigencies allow them." However, the Munir Report defers to "international opinion" and overlooks "the feelings, the sentiments and the vital problems of the [Pakistani] people."¹⁰⁴ Ultimately, *The Analysis* steps back from its own critique of violence perpetrated by secularist states by holding that violence and exclusions are an integral dimension of forming modern national polities. *The Analysis* thus provides a normative justification for excluding Ahmadis by maintaining that all countries engage in similar exclusions. Although *The Analysis* proceeds to discuss the rights of religious minorities in an

⁹⁹ *Ibid.*, 27.

¹⁰⁰ *Ibid.*, 35.

¹⁰¹ *Ibid.*, 52.

¹⁰² *Ibid.*, 52.

¹⁰³ *Ibid.*, 120.

¹⁰⁴ *Ibid.*, 122.

Islamic state and other issues such as Islamic punishment for apostasy, it engages in dialogue with secularist defenders of “fundamental rights” primarily by justifying nationalist exclusions as a modern imperative.

The second major theme of *The Analysis* is the question of ideal state–religion relations in Pakistan. First, it separates the Ahmadi question from that of state ideology, noting that the former dates back to the colonial era when the second was a non-issue. Next, it holds that the Objectives Resolution clearly contains “the embryo of an Islamic State” and that the Pakistani people had “accepted it [Objectives Resolution] as the echo of their hearts’ throbbing.”¹⁰⁵ Consequently, the Ahmadi question *could* be solved through drawing on the Objectives Resolution. Third, even if it were conceded that the Objectives Resolution was beset by ambiguity with respect to whether Pakistan will be an Islamic or a secular state, it was not up to the inquiry commission but “the majority of the people” to decide “finally which of the two conflicting attitudes survives.”¹⁰⁶ Finally, *The Analysis* questions whether Jinnah did in fact propose a secular state for Pakistan. *The Analysis* points out that in multiple speeches delivered by Jinnah before and after independence, he had promised that Pakistan would be governed according to Islamic principles. It was this, and not “some speech in the Constituent Assembly,” that was crucial for considering state–religion relations in Pakistan.

This discussion demonstrates that JI fully comprehended the unsettled nature of state–religion relations in Pakistan. It maintained that while the answer to this unsettled question could be authoritatively found in the Objectives Resolution, it was ultimately “the people of Pakistan who must decide.”¹⁰⁷ *The Analysis* thus imparts to the reader a sense of anticipation with respect to the ongoing “struggle of the people” that has yet to bear fruition.

CONCLUSION

This chapter has shown that the Pakistani state was unable to arrive at an authoritative settlement of state–religion relations in its formative years. While a Muslim national identity was endorsed as the primary signifier of the new polity in the Objectives Resolution, various institutional sites within the state advanced radically different ideological standpoints about

¹⁰⁵ *Ibid.*, 126–7.

¹⁰⁶ *Ibid.*, 127.

¹⁰⁷ *Ibid.*, 136.

state–religion relations. My examination has also drawn forth the multiple political and religious interests, practices, discourses, and dispositions through which the place of religious minorities and Ahmadis was rendered legible within different institutional sites in the state system. The outcome was that two distinct, contradictory, and precarious resolutions of official religious ideology crystallized at this time. The first was premised on a majoritarian Muslim nationalism deeply suspicious of non-Muslims, and the second was characterized by a militant illiberal secularism antithetical toward this Muslim nationalism, public religion, and democratic politics. The first instituted *democratic exclusions*, while the second enacted *authoritarian inclusions*. In addition to these two state-sanctioned visions, we can point to two “unsuccessful” nationalist narratives: the civic nationalism advocated by non-Muslim minorities and the punitive model of Islamic statehood advocated by *Jamaat-e-Islami*.

The analysis of this chapter demonstrates that “in place of the harmonized, monologic voice of the Nation, we find a polyphony of voices, overlapping and criss-crossing; contradictory and ambiguous; opposing, affirming, and negotiating their views of the nation.”¹⁰⁸ My task in the rest of this book is to examine how the Pakistani state subsequently renegotiated the triangular relationship between nation, state, and Islam from among the “polyphony of voices” that emerged in the political field after independence from colonial rule. I will demonstrate that it is through these renegotiations that a distinct and historically specific trajectory of desecularization, characterized by an exclusionary religious nationalism, has emerged. Chapter 3 undertakes this inquiry by examining the emergence of a second anti-Ahmadi movement in 1974 that demanded that the state officially declare Ahmadis non-Muslim. It demonstrates that in the continued absence of an authoritative and settled religious ideology enshrined in core orienting principles, the Ahmadi question became a means for religious groups to raise the unsettled issue of state–religion relations.

¹⁰⁸ Duara (1996: 161–2).

Politics of Minoritization

The accommodation of Ahmadis yielded one response to the question of Pakistan's national identity – all Pakistanis, irrespective of religion, were to be equal citizens of the state. The state's authoritarian secularism, however, effectively ensured that the Ahmadi question and the broader issue of state–religion relations were left unsettled. When the Ahmadi question arose again in 1974, it brought to fore these issues with even greater intensity.

This chapter is centered on the enactment of the Second Constitutional Amendment (SCA) forcibly declaring Ahmadis a non-Muslim minority that resulted from these renewed contestations. This enactment is one of the most significant moments in the trajectory of desecularization in Pakistan. It represents a quest to define national identity on religious terms within the state's constitutional-legal apparatus. It also attests to the enactment of exclusionary policies through formal democratic processes, pointing to what Michael Mann has aptly termed the “dark side of democracy.” According to Mann, the dark side of democracy emerges when democratic aspirations toward creating a national polity by an *ethnos* (an ethnic group) lead to heinous outcomes such as ethnic cleansings.¹ This occurs when the “ideal of rule by the people” becomes entwined with “a dominant *ethnos*,” leading to “cleansing of minorities,”

¹ Mann (2005). The distinction between civic and ethnic nationalism has received considerable attention. The classic statement is found in Hans Kohn's *The Idea of Nationalism* (1944). Kohn formulated his famous dichotomy as one between “Western” and “non-Western” nationalisms. In this formulation, Western nationalisms are founded on open, pluralistic societies and are characterized by a commitment to values of liberty, equality, and the sanctity of individual rights through constitutionalism, liberalism, and

in the process demonstrating “perversion of modern aspirations to democracy in the nation-state.”²

This chapter argues that the dark side of democracy can also crystallize through the exercise of symbolic power, that is, the power to define, classify, and codify social collectivities.³ It further draws attention to the political processes that underlie this exercise of symbolic power by seemingly monolithic states and political parties. Nationalist political claims making entails defining a political community, a “we” in whose name political demands are articulated and the public good defined.⁴ This, in turn, necessitates articulating a distinction between those who belong within the category “the people” and those who do not fit the criteria for inclusion in the political community thus articulated. Etienne Balibar refers to this as the “structural violence” of the modern nation form, which represents the idea that “every institution of citizenship involves the institutionalization of exclusions.”⁵ The contentious issue then becomes who can authoritatively define and speak on behalf of a political community that is itself constituted through political discourse.

In addition to this symbolic element, nationalist classification struggles also entail a contest over procedures, or the institutional mechanisms through which nationalist demands that emerge in the public sphere find their way into formal structures of the state for the purposes of being heard, debated, and addressed.⁶ In other words, political claims making entails offering not only a vision of “we, the people” but also a corresponding institutional formula through which the claim ought to be heard and met. The choice of certain procedures over others by state authorities is not a neutral decision and presupposes substantive ethical commitments. The logical corollary of this is that authorization of any given procedure implicitly endorses certain notions of political

democracy. Its opposite, non-Western nationalism, is found in closed, authoritarian societies with overdeveloped commitments and duties toward the state. This dichotomization has received much support in academic circles (Plamenatz 1976; Ignatieff 1994; Taylor 1997). It has also been critiqued and modified on a number of grounds including calls for abandoning the distinction (Brubaker 1998), attempts to steer it toward social scientific ideal types (Zubrzycki 2001), and through arguments about the foundational constitutive tension between the *demos* and *ethnos* in all modern polities (Balibar 2004). My own views tend toward the latter.

² Mann (2005: 3); also see Wimmer (2002).

³ Bourdieu (1991a: 236).

⁴ Laclau (2005: 72–7).

⁵ Balibar (2004: 76). Also see Mouffe (2000: 4).

⁶ Mouffe (2006: 320–1); Kriesi (1995).

community as legitimate. I contend that when a given procedure leads to subsequent citizenship policies, that is, if the political claim is met, social distinctions inscribed in that procedural form become political in the sense defined by Carl Schmitt – they turn into antagonistic social distinctions.⁷

Through analytically untwining politics, political, and policy while recognizing their historical entanglements, this chapter proceeds with historicizing the trajectory of unsettled desecularization in Pakistan. It analyzes the emergence of the second religious movement in Pakistan that demanded that the state officially declare the Ahmadiyya community a non-Muslim minority. Events, processes, and narratives surrounding the enactment of SCA reveal that notions about democracy and national identity shaped both articulations of Pakistani political community and political procedures whereby Ahmadiyya community leaders were “cross-examined,” questioned, and “judged” by the National Assembly. This value-laden political procedure, already premised on the otherness of the Ahmadiyya community, in turn, allowed the Ahmadi/non-Ahmadi *religious* difference to evolve into a fundamentally antagonistic Ahmadi/Muslim *political* distinction.

Preceding enactment of the SCA, the *ulema* were highly active in the public sphere, and Islamists formed a small but significant oppositional force inside the elected National Assembly. When they perceived an opportune moment to launch a second anti-Ahmadi religious movement, it was clear to both that taking a belligerent stance toward the state was not a viable strategy. Consequently, they joined forces and concentrated their efforts on mobilizing public and political opinion with the end of placing the issue of the religious status of Ahmadis before the National Assembly. Once successful, Islamists defined the core terms of political debate inside the National Assembly. These processes created new structures of opportunities and constraints for political actors and activated multiple logics of political action that coalesced to lead to enactment of the SCA.

BETWEEN ACCOMMODATION AND EXCLUSION

Following the official policy of accommodation of Ahmadis, the issue of the religious status of Ahmadis ceased to be a contentious political issue until 1974, when it reemerged through an organized religious movement. The twenty-year hiatus and the subsequent emergence of this movement are attributable to a number of shifts that took place during this period.

⁷ Schmitt (1996).

Here I will cast a brief look at three registers of change – institutional, political, and cultural – that set the stage for a second anti-Ahmadi religious movement to emerge.

Transition to Democracy

The first notable change was the institutional shift from state authoritarianism to a formally democratic regime. As we saw in Chapter 2, seeds of political authoritarianism were sowed with dissolution of the Constituent Assembly in 1954. These flowered under the military regime of Ayub Khan (1958–69). This period also witnessed the promulgation of two constitutions. The first, short-lived constitution of 1956 paid lip service to Islam by naming Pakistan the “Islamic Republic of Pakistan.” The provisions relating to Islam were included to guide state policies but were not enforceable by law.⁸ The Constitution, however, symbolically valorized the Muslim nation by stipulating that only a Muslim could hold the position of the president. The next Constitution, designed under Ayub Khan in 1962, dropped “Islamic” from the country’s name.⁹ It instituted a presidential system that rested on a system of local, district-level representation, which formed the pre-text for banning political parties. These measures came under heavy criticism and had to be quickly modified. The Political Parties Act of 1962 removed the ban on political parties, while the First Constitutional Amendment Act of 1963 reinserted the term “Islamic” in Pakistan’s name. These actions nonetheless reflect the dispositions of the ruling state elite of the time – formal secularism for a *Muslim* nation-state.

The undemocratic nature of the state lent marginalized political parties a crucial point of attack on existing state structures. Islamist parties such as *Jamaat-e-Islami* (JI) and its leader, Maulana Maududi, vocally criticized the anti-democratic and (supposedly) un-Islamic elements

⁸ For example, it was stipulated that the state take steps to enable Muslims of Pakistan to order their individual and collective lives according to Islamic principles. Second, the “repugnancy clause” was introduced that held that “no law shall be enacted which is repugnant to the injunctions of Islam as laid down in the Holy Quran and the *Sunnah*” and that existing laws “shall be brought into conformity with such injunctions.” According to Charles Kennedy, these and other provisions that called on the state to take measures to eliminate gambling, prostitution, drug use, alcohol consumption, and *riba* (financial interest) were “without teeth” because “the mechanisms designed to implement such a vision were intentionally weak, vague or ill-defined” (Kennedy 1992: 770).

⁹ It also removed reference to “the Holy Quran and the *Sunnah*” in the repugnancy clause, trimming it down to “no law should be repugnant to Islam” (H. Khan 2005: 157–8).

within the political structure. Over time, however, the Ayub regime began to associate with Islamist parties to manage political opposition from popular, leftist, and secular groups.¹⁰ The regime's valorization of the Pakistani Army as the protector of a monolithic Muslim community at odds with a Hindu India also had the effect of socially embedding a belligerent anti-India Muslim nationalism.¹¹ There was thus an organic entrenchment of a Muslim national identity even while the Ayub regime remained committed to the project of Islamic modernism, that is, state-directed liberal Islam.¹²

The increasing social discontent with the undemocratic structure of the state manifested through student and labor demonstrations of 1968 and opposition in East Pakistan to West Pakistan's disproportionate share of economic and political power. Ayub Khan subsequently turned over power to his trusted General Yahya Khan in 1969, who proceeded to hold Pakistan's first general elections in 1970.¹³ In the closing years of the 1960s, leftist parties such as Zulfikar Ali Bhutto's Pakistan Peoples' Party (PPP) and Wali Khan's National Awami Party (NAP) were prominent contenders for political power. As the 1970 elections approached, Bhutto's PPP emerged as the major national party with a popular manifesto of "Islam is our faith; Democracy is our Polity; Socialism is our Economy."¹⁴ During the election campaign, PPP identified itself as a mass populist party with its election slogan of "*Roti, kapra aur makan*" ("Bread, cloth and home"). To counter claims by religious groups that socialism was fundamentally in contradiction to religion, Bhutto espoused a discourse of "Islamic socialism," arguing that Islamic egalitarian principles were in perfect accord with those of

¹⁰ Nasr (1994: 152–5).

¹¹ See Haqqani (2005) for the Pakistani military's entanglements with Islamist parties and rhetoric under the Ayub regime and the constitutive role of Pakistan's 1965 war with India. More generally, see Rizvi (2003).

¹² The clearest manifestation of this is the promulgation of the Muslim Family Laws Ordinance of 1961 (MFLO) that explicitly brought the laws governing the domestic space of marital and other familial relationships under state regulation. It was a firm stance against traditionalist interpretations of Islamic law that privilege the patriarchal domination of women by men in the sphere of familial relationships. Some of the changes included state permission for Muslim men to undertake more than one marriage, changes in divorce laws as a result of which men could not divorce women arbitrarily, and an increase in the legal age at which girls could marry from fourteen to sixteen (Ansari 2009; Abbott 1962). Not surprisingly, MFLO was vehemently attacked by *ulema* (Talbot 1998: 168–9). See Euben and Zaman (2009) for a discussion of Islamic modernism.

¹³ Talbot (1998: 179–88).

¹⁴ See Burki (1988).

socialism.¹⁵ Overall, a slow drift from the secular/authoritarian nexus to an Islamic/democratic one characterized the period between mid-1950 and the general elections of 1970.

Official Religious Ideology

Bhutto's PPP assumed office in 1971 following Pakistan's first general elections in 1970 and in the wake of Bangladesh's independence. While elected, the regime's claim to being democratic remained tenuous because of the conditions under which it came to power. If the post-election period had not resulted in the independence of Bangladesh, Bhutto would not have enjoyed the majority that he did after 1971. However, that he was the most popular leader at that time in what remained of Pakistan is uncontested.¹⁶

When the second anti-Ahmadi movement was launched in 1974, the political field was centered on the democratically elected National Assembly and did not include military or bureaucratic elite. For one, the debacle in East Pakistan significantly reduced the military's prestige in the public eye. The bureaucracy, too, was not a political force at this moment because Bhutto made structural changes in 1973 to reduce the autonomy of the bureaucratic state subfield.¹⁷ The main political force in the country in 1974 was the National Assembly. It contained a broad spectrum of

¹⁵ It has been suggested that "in emphasizing this link between Islam and socialism, Bhutto seemed impressed with what seemed to him as a resurgence of religious sentiment in the country. To him Jamaat-i-Islami appeared as his most important competitor and he was not prepared to surrender some political advantage to this fundamentalist party on the ground that his own PPP was a secular organization with a secular program" (Burki 1988: 53). A similar theme is suggested by Haqqani (2005: 111).

¹⁶ Under the first general elections of 1970, the Awami League Party that dominated East Pakistan (later Bangladesh) emerged with the largest number of popular votes and National Assembly seats. The disinclination of West Pakistani politicians to have an East Pakistani political party form the government, along with the indisposition of the Pakistani military elite to see the election to its legitimate conclusion, leashed a series of events that culminated in Bangladesh's war of liberation and independence. See Choudhury (1974) for a close historical account.

¹⁷ This entailed dissolving the elitist Civil Services of Pakistan (CSP) and the erection of a new and broader All-Pakistan Civil Services divided into different groups according to government activity (such as District Management, Police, and Foreign Affairs). Officers could move horizontally across two or three groups. In an unprecedented move, Bhutto also introduced the system of "lateral entry," whereby persons having no ties with the formal bureaucratic structure could be appointed to senior positions in the government. This had the effect of breaking "the caste-like structure of the C.S.P.-dominated bureaucracy" (Alavi 1983: 76) as well as leading to "the politicization of the bureaucracy" (Ziring 1980: 105).

TABLE 3.1 *Breakdown of Political Parties in the National Assembly of Pakistan, April 14, 1972 to January 10, 1977*

Party	No. of seats	Percent of seats
Pakistan People's Party (PPP)	86	61.43
National Awami Party	5	3.57
Pakistan Muslim League (Q)	9	6.43
Pakistan Muslim League (C)	8	5.71
Jamiat-ul-Ulama-e-Pakistan (JUP)	6	4.29
Jamiat-ul-Ulama-e-Islam (JUI)	7	5
Jamaat-e-Islami (JI)	4	2.86
Pakistan Democratic Party	1	0.71
Independents	14	10
Total	140	100

Note: The NAP, like the PPP, represented the left on the political spectrum in that both parties had strong socialist themes running through party manifestos. The Muslim League and its various offshoots constituted the center of the spectrum, while three religious parties, *Jamaat-e-Islami* (JI), *Jamiat-ul-Ulama-e-Pakistan* (JUP), and *Jamiat-ul-Ulama-e-Islam* (JUI), constituted the religious right.

Source: Compiled from the official website of National Assembly of Pakistan (www.na.gov.pk/).

political parties. PPP held around 60 percent of the seats, while the various Islamist parties in the opposition together held around 12 percent of the seats. The main opposition was formed by an alliance between NAP and the Islamist party *Jamiat-ul-Ulama-e-Islam* (JUI), with NAP's leader, Wali Khan, elected as the leader of the opposition. Table 3.1 shows the breakdown of political parties in the National Assembly and reveals the narrow electoral base that Islamist parties enjoyed at that time.¹⁸

The reconfiguration of the political field through the entry of elected political parties, including Islamist parties committed to the game of electoral politics, redefined the texture of politics. A salient feature of this changed political field was the increased symbolic resonance of "Islam." The loss of Bangladesh was a significant intervening event in legitimating Islam *in its nominal capacity* within the political field in the 1970s. It posed the fundamental question about whether a common Islamic identity could transcend provincial and ethnic identities. Furthermore, with the breakup of Pakistan, both Bangladesh and India

¹⁸ In the elections of 1970, Islamist parties did not capture a single National Assembly seat from East Pakistan, which shows that the Islamist platform did not enjoy any support among Bengalis (Talbot 1998: 196).

had a greater number of Muslims within their individual territories than Pakistan. As one scholar of Pakistan has aptly observed, “now that Pakistan ... [was] no more the ‘national homeland’ for all, or even most, Muslims of the subcontinent, its *raison d’être* must be that it is the home of the *good* Muslims.”¹⁹ Thus Islam was to continue to provide a “centralizing ideology” by playing a more prominent role in the state.

The new Constitution drafted by the National Assembly in 1973 continued with earlier state traditions – Islam was symbolically valorized, while separation of religion and the state envisioned within preceding constitutions was maintained. One important change was introduced: Article 2 explicitly declared Islam the “state religion” of Pakistan. With the exception of this novel clause that increased the symbolic significance of Islam for the state’s identity, other affirmations of Pakistan’s religious identity in the Constitution, such as those holding that the head of the state be a Muslim (Article 41[2]) and that the state make all efforts to bring existing laws into conformity with Islamic principles (Article 31), were similar to the earlier Constitutions of 1956 and 1962.²⁰

According to Ghafoor Ahmad, a JI member of National Assembly (MNA) and member of the Constitutional Committee that proposed the 1973 draft Constitution, the main areas of contention during the constitutional debates pertained to “fundamental rights, judiciary, and provincial autonomy.”²¹ The inclusion of Islamic provisions was largely uncontested. Ghafoor Ahmed noted

The religious part of the constitution has not been made by any religious party but by a political party that had been calling itself a secular party and they also themselves had the slogan of “Islamic Socialism” and that Islam is our religion.

Ahmed’s statement points to a constitutive tension within the Pakistani state at that time: a practical commitment to minimizing the substantive role of religion within the state and a symbolic commitment to a Muslim national identity. As we will see later, this tension opened the door for multiple articulations of Pakistan’s national identity and the state’s religious commitments to emerge in the political field. Even after three Constitutions, a concrete religious ideology able to provide practical norms for forming religious policies remained elusive.

¹⁹ Ahmad (1983: 116).

²⁰ H. Khan (2005: 275).

²¹ Interview with Ghafoor Ahmad, Karachi, March 8, 2008.

Constructing the Internal Other

Finally, we should note that during this interim period, religious groups remained vitally engaged in a cultural anti-Ahmadi campaign. The most prominent religious group involved in this was the *Majlis Tahaffuz Khatm-e-Nubuwwat* (Association for the Protection of the Finality of Prophethood, henceforth MTKN), formed in 1949 as a religious platform for individuals committed to the anti-Ahmadi cause on the basis of their religious convictions and not their political identifications.²² According to Maulana Allah Wasaya, an MTKN leader, MTKN's primary agenda (until 1974) was to press the government to officially declare the Ahmadiyya community a non-Muslim minority.²³ Following enactment of the SCA, MTKN continued to preach and propagate about the centrality of the tenet of "Finality of Prophethood in Islam" and keep Muslims informed about the "truth" behind Ahmadis.²⁴ MTKN is organized hierarchically, starting with the national level and branching into smaller district- and city-level branches. Most of the funds are generated through donations. In 1974, MTKN formed a publishing house and began printing and distributing hundreds of books and pamphlets about "Qadianis" and "Qadianiat," pejorative terms for Ahmadis and their religion. MTKN thus was engaged in a cultural anti-Ahmadi campaign, facilitated by its deep institutional roots in the Punjabi society, prior to emergence of the second anti-Ahmadi movement.

The other avenue through which the anti-Ahmadi campaign was kept alive was print media. For example, Agha Shorash Kashmiri, a prominent Urdu journalist and public orator, deployed his weekly Urdu periodical *Chattan* (Lahore) as a vehicle for disseminating anti-Ahmadi views.²⁵ An analysis of *Chattan* attests to the periodical's

²² The emphasis on the religious/political dichotomy is meant to underscore the purity of the religiously motivated individual (and organization) as opposed to the duplicity of politicians and political parties who are unable to act on purely ethical concerns.

²³ Interview with Maulana Allah Wasaya, Islamabad, March 5, 2008.

²⁴ During my visit to the central offices of the MTKN in Multan, where I undertook to visit its library and interview its leaders, one of the staff raised objection to my designation of the community as "Ahmadis," stating that it referenced a sacred Muslim name and the correct name was "Qadianis." Ahmadis, as we know, find this term pejorative. While I was given full access to MTKN's collections and archives, the head of MTKN refused to grant me an interview.

²⁵ The intensity of his periodical's anti-Ahmadi rhetoric earned Kashmiri multiple warnings from the Punjab provincial government for contravening its orders prohibiting all printers, publishers, and editors from publishing "any matter casting reflection on the origin, prophecies, revelations or beliefs of any sect." In 1968, *Chattan* was banned by the

sustained commitment toward discursively constructing Ahmadis as the internal religious “others.” The May 27 (1974) issue that immediately preceded the May 29 event that, as I will presently discuss, launched a chain of events culminating in enactment of the SCA is a case in point. The cover shows a picture of Mirza Ghulam Ahmad with a derogatory inscription.²⁶ It contains an article on how Muslims can stop the construction of an Ahmadi mosque in Lahore and another on the supposed ties between Israel and the Ahmadiyya community.²⁷ One article has the editor requesting school and college students to prepare lists of Ahmadi students in their educational institutions. This issue is typical of *Chattan*, which routinely dedicated most of its space to disseminating anti-Ahmadi views. While exact statistics on the circulation of *Chattan* are not available, it is reasonable to assume that given Kashmiri’s prominence in the world of Urdu journalism, *Chattan*’s message was heard widely in Punjab.

THE SECOND ANTI-AHMADIYYA RELIGIOUS MOVEMENT

The preceding analysis captures the texture of political, social, and cultural life that obtained in 1974 when the events that would lead to enactment of the SCA transpired. The shift toward electoral democracy, the increasing hegemony of political discourses referencing a Muslim national identity, the continuing endorsement of Islam as a symbol of the nation, and the social construction of Ahmadis as the internal religious “others” laid the groundwork for a second movement demanding that the state officially declare the Ahmadiyya community a non-Muslim minority to emerge. In this section, I analyze the precipitating event and the framing strategies of this movement. This section depicts how an ordinary event can become a catalyst for the reemergence of latent and unsettled issues about religion in the

provincial government on the grounds that its materials promote “religious and sectarian controversy” and “tend to seriously affect amity and harmony among various sects of the Muslim community.” *Abdul Karim Shorish Kashmiri v. The State of West Pakistan*, PLD 1969, Lahore 289, 294. See Chapter 5 for a detailed analysis of this court case. By 1974, when the second anti-Ahmadiyya movement emerged, *Chattan* was back in business.

²⁶ The inscription reads: “Five thousand rupees will be given to that individual who can prove that Prophets have faces like this and that of those chosen by Allah, any of the Prophets met their death in the toilet” (*Chattan*, May 27, 1974, translation mine).

²⁷ The latter point of attack has no basis in fact but forms a standard trope leveled against political and other opponents because it resonates with popular anti-Israel sentiments.

political field. I also demonstrate that influential state actors were opposed to the movement demands but were eventually unable to prevail in the political field at large.

The Precipitating Event

On May 30, 1974, all major Urdu and English newspapers reported that a group of 160 non-Ahmadi Muslim students of Nishtar Medical College at Multan (NMC) were attacked in the train station at Rabwah by thousands of Ahmadis. As we know, the Ahmadiyya movement organizations and its leadership are based in Rabwah. According to initial accounts, the crowd was armed with sticks, knives, and swords and proceeded to attack and beat the students, fatally injuring many in the process. During subsequent investigations, nearly every element of initial reporting was brought under scrutiny and qualified. However, it was acknowledged by all that on May 22 when the same students had stopped at Rabwah train station, there had been an altercation among the students.²⁸

The wide coverage given to the May 29 event by newspapers became the pretext for the religious establishment to relaunch a social movement demanding that the state officially declare Ahmadis non-Muslim. It thus became imperative for state authorities to determine what had transpired on May 29 at the Rabwah train station to adequately respond to the demand. The state appointed High Court Judge K. M. A. Samdani to investigate the incident and submit his findings, thus instituting what is popularly termed the “Rabwah Tribunal.”

The Event Investigated

Over the course of two months, the Rabwah Tribunal recorded testimonies of seventy persons in total. Most of the proceedings were held in open court, with newspapers publishing accounts on a daily basis.²⁹ The tribunal called on various state officials, religious organizations, and Ahmadis to present their views and testimonies regarding the May 29 event.³⁰

²⁸ See Saeed (2007) for a discussion.

²⁹ *Dawn*, Karachi, August 4, 1974.

³⁰ Some of the organizations represented in the tribunal included JI, MTKN, the Ahmadiyya organization of Rabwah, the Student Union of Talimul Islam College, Rabwah (whose students were allegedly responsible for the May 29 attack), and JUP.

Ahmadi students maintained that they had been provoked into the fight by the NMC students, who on May 22 had shouted offensive slogans in addition to verbally harassing a group of Ahmadi girls. The NMC students denied these charges, claiming that the attack had been unprovoked. They charged that the Ahmadi students had shouted blasphemous slogans on May 22 and had tried to distribute objectionable Ahmadi literature to the NMC students. This line of inquiry was mostly concerned with ascertaining the reasons for the altercations, number of people involved, their identities, and the method and timing of the so-called attack.

It was repeatedly charged by religious groups that Ahmadi students had preplanned the "attack" and that they had been ordered to carry it out by the Ahmadiyya leadership at Rabwah. They claimed that the "attack" was part of a larger strategy to overturn Islam and institute the Ahmadiyya religion in Pakistan. With this claim, religious groups effectively defined a political community of non-Ahmadi Muslim Pakistanis who were under threat from an internal and highly dangerous enemy, the impostor Ahmadiyya community. Religious groups subsequently announced that they were unable to represent their case without debating the larger issue of the religious status of Ahmadis.³¹ Religious groups thus attempted to appropriate this space of inquiry to push forward their anti-Ahmadi demand.

Justice Samdani responded that the tribunal's position was that the Ahmadiyya community indeed formed a distinct religious sect having its own organizational structure. Despite protests by Ahmadis that the issue of the religious beliefs of the community was irrelevant to the case at hand, Justice Samdani allowed all interested parties to prepare written statements on the issue. Furthermore, "witnesses" who had left the Ahmadiyya community were brought in to give statements about the despotic nature of the Ahmadiyya leadership.³² Others gave testimonies to the effect that the Ahmadiyya organization in Rabwah had its own systems of administration, education, policing, and justice that bypassed the state. MTKN argued that the May 29 incident was a part of a larger "*Qadiani*" conspiracy to collaborate with India to create a "united India" in the South Asian subcontinent.³³ Eventually, Justice Samdani prepared his report and passed it along to state authorities. The report has not been made public to this day.

³¹ *Nawa-e-Waqt*, Lahore, June 16, 1974.

³² *Ibid.*, June 27, 1974.

³³ *Ibid.*, June 20, 1974.

Rabwah Tribunal: View from the Inside

The state space constituted by the tribunal became a site of demonization of Ahmadis. This is the assessment that emerges from the proceedings of the tribunal that were published in major national newspapers. My interview with Justice Samdani revealed aspects of the inquiry that were not captured by newspaper accounts. Newspaper accounts suggest that the question of religious difference had been central to the inquiry. Justice Samdani, however, maintains that religious identities had been marginal to it. While anti-Ahmadi groups had attempted to use the tribunal to further their cause, he actively resisted these attempts because the “tribunal had nothing to do with religion.”³⁴ He had allowed religious groups to present their arguments regarding the religious status of Ahmadis in written form so that they would refrain from making speeches in the courtroom. However, he neither read these statements nor considered them in his findings.

I was bombarded with the Ahmadi literature also. And that was the first time that I learnt about Ahmadiyyat . . . I was only inquiring into what happened at Rabwah on a particular date. And Rabwah happened to be an Ahmadi town. Rabwah Station happened to be an Ahmadi Railway Station. But that had nothing to do with it. The incident . . . it had nothing to do with faith. Although so many Islamic groups were represented and they wanted me to say something about [it].

Justice Samdani was adamant that his tribunal had nothing to do with religion and that he had undertaken his inquiry without any political or other external pressures. According to Justice Samdani, he made only one comment on the issue in his report: “At one level, it is a matter of opinion, at another of faith. This is all I had to say.” He further revealed that his inquiry showed that initial reports about the level of violence perpetrated by Ahmadi students were wildly exaggerated. His inquiry did establish that Ahmadi students had beaten NMC students on May 29 but that the beatings had been provoked by the May 22 altercation instigated by NMC students.

Justice Samdani’s insights throw light on how an ordinary event can have a transformative effect depending on the institutional, political, and cultural context. They also serve as a reminder that there was nothing inevitable about the ultimate enactment of the SCA because there were resources present within the state apparatus – in particular, the Rabwah Tribunal and its findings – that could have been potentially deployed to

³⁴ Interview with K. M. A. Samdani, Islamabad, January 30, 2008.

dissipate the anti-Ahmadi movement. The "Samdanai Report" (as it is popularly referred to), however, was not passed on to the National Assembly during its deliberations on the religious status of Ahmadis, perhaps because of its vindication of the Ahmadi students.

The proceedings of the Rabwah Tribunal also suggest that the state is not a uniform entity with respect to either dispositions about the political community or the exercise of symbolic power. Justice Samdani adopted strategies to silence the issue of the religious status of Ahmadis within the microcosm of the state space of which he was in charge. For one, he argued, the tribunal had not been given directives to engage with the issue. Second, he was personally opposed to the demand. Enactment of the SCA proceeded, as we will see later, from other sites within the state apparatus that completely overlooked the Samdani Report.

Framing Strategies

In response to the May 29 incident, acts of violence against Ahmadis started immediately, especially in the province of Punjab. At various university campuses, Ahmadi students were forcibly thrown out of their hostel rooms and their belongings collected and set on fire. Ahmadi shopkeepers in markets and bazaars started receiving threatening phone calls, while enraged crowds stoned and burnt Ahmadi shops, gas stations, and factories. Incidents of beatings of Ahmadis were reported, which, according to official reports, led to forty-two deaths.³⁵ Violence against Ahmadis came to an end within a week largely because of the willingness on the part of the state to use force to curb violence.

At the same time, major Islamist political parties, religious organizations, student and trade unions, opposition parties in the national and provincial assemblies, and public intellectuals launched a large-scale movement. It was demanded that the state declare Ahmadis a non-Muslim minority, remove all Ahmadis from key positions in state institutions, and declare Rabwah a "state within a state" and an "open city." Editorials in newspapers supporting these demands exhorted people to refrain from violence lest the state be forced to resort to taking military action, as it had in 1953.³⁶ The movement, in marked contrast to its predecessor movement, eschewed violence and instead engaged in the "social boycotting" of Ahmadis (Table 3.2).

³⁵ *Dawn*, Karachi, June 23, 1974.

³⁶ *Nawa-e-Waqt*, Lahore, June 6, 1974; *Mashriq*, Lahore, June 6, 1974.

TABLE 3.2 A Newspaper Advertisement Advocating Social Boycott of Ahmadis

It is the Religious Duty of all Muslims
That the Deniers of the Finality of the Prophethood of Prophet Muhammad (PBUH), the Qadianis, be completely boycotted,
That they [the Muslims] maintain no relationships with them [the "Qadianis"] and do not buy and sell products made by them.
We strongly demand from the Prime Minister of Pakistan, Mr. Zulfikar Ali Bhutto, that he, without delay, Declare the Qadianis a non-Muslim minority
And on the Day of Judgment, with the <i>Shafa'at</i> [recommendation] of the Last of the Prophets PBUH earn a high place in Heaven.
From: President Wholesale Cloth Association, Gujranwala and Khwaja Cloth Market, Insaaf Cloth Market, Khaqwani Cloth Market, Madina Cloth Market [... etc.].

Source: *Nawa-e-Waqt*, Lahore, June 16, 1974, translation mine.

Social movement theorists have underscored framing processes as acts of construction of meanings through which movement leaders create "resonance" with potential participants. It is through concrete acts of framing that problems are diagnosed, solutions proposed, and potential participants motivated to undertake action.³⁷ Of equal significance is the congruence of religious movement frames with the core terms of political discourse in the public sphere for the purposes of *successful* political claim making.³⁸ In the context of Pakistan's first democratic regime and the increased legitimacy of a Muslim nationalist discourse, these core terms were, unsurprisingly, democracy and national identity.

The movement demands were framed through the rhetoric of democracy, with various organizations, opposition members, and newspapers demanding that the state act in a democratic manner and in accordance with the wishes of the majority of the nation. For example, an editorial in *Dawn* argued that the Islamist opposition in the National Assembly was within its democratic right to express dissent and canvass popular support for its demands.³⁹ These demands also were couched within public narratives about the state's responsibility toward Islam. A newspaper editorial referred to Bhutto not only as a politician but also as a "religious representative."⁴⁰ The journalist Z. A. Suleri celebrated the Rabwah

³⁷ Snow *et al.* (1986).

³⁸ Saeed (2012).

³⁹ *Dawn*, Karachi, June 7, 1974.

⁴⁰ *Nawa-e-Waqt*, Lahore, June 14, 1974.

incident as “a blessing in disguise” for throwing into “bold relief the truly religious character of Pakistani society.”⁴¹ Suleri argued that the creation of Pakistan was fundamentally premised on Muslim nationhood and that Islam alone could offer a unifying point of departure for the nation. It was the failure to recognize the fundamental importance of Islam for Pakistani nationhood that had led to the separation of East Pakistan from Pakistan. The movement thus conjoined Islam, national identity, and democracy as key discursive repertoires for framing its demands. As we will see shortly, these keywords continued to define political discourses surrounding enactment of the SCA.

TOWARD AN “EFFECTIVE, JUST AND FINAL SOLUTION”

Initially silent on the issue of the religious status of Ahmadis, the state maintained that it was the state’s duty to treat all citizens equally. Bhutto referred to the Ahmadi issue as a “problem” that dated back to 1953 but argued that it had been solved by the 1973 Constitution that stipulated that only a Muslim could occupy the positions of the President and Prime Minister of Pakistan and required all incumbents to take an oath affirming their belief in the finality of the Prophethood of Mohammad. Bhutto further noted that the categories of minorities had been defined in the 1973 Constitution and that no party or individual had raised the issue of the minority status of Ahmadis at that point. Bhutto concluded that the Ahmadi issue was being used by the opposition to ignite trouble and weaken Pakistan. The government, he declared, “had no vested interest in the problem,” was taking a “rational view,” and was “trying to apply universal morality to the issue.”⁴² The following day, the Speaker of National Assembly, Sahabzada Farooq Ali, ruled out an adjournment motion by opposition members demanding that the Assembly debate the May 29 event.⁴³

It is of crucial significance that Bhutto was initially opposed to the demands. Soon thereafter, however, Bhutto announced that the Ahmadi issue would be placed before the National Assembly for deliberation.⁴⁴ A motion passed by Law Minister Abdul Hafeez Pirzada “to discuss the question of the status in Islam of persons who do not believe in the finality of

⁴¹ *Nawa-e-Waqt*, Lahore, June 23, 1974.

⁴² *Dawn*, Karachi, June 4, 1974.

⁴³ *Ibid.*, June 5, 1974.

⁴⁴ *Ibid.*, June 14, 1974.

the Prophethood of Mohammad" was adopted on June 30.⁴⁵ The hope, according to Pirzada, was to arrive at "an effective, just and final solution."⁴⁶ This was followed by a motion by twenty-two MNAs belonging to opposition parties (mostly Islamist) to declare all followers of Mirza Ghulam Ahmad "not Muslims." The grounds for the motion were enumerated: Mirza Ghulam Ahmad's "false declaration to be a prophet, his attempts to falsify numerous Quranic texts and to abolish Jihad were treacherous to the main issues of Islam"; Mirza Ghulam Ahmad "was a creation of imperialism for the sole purpose of destroying Muslim solidarity and falsifying Islam"; the entire Muslim *ummah* considers Ahmadis "outside the pale of Islam"; and Ahmadis are "indulging in subversive activities internally and externally by mixing with Muslims and pretending to be a sect of Islam."⁴⁷ The motion was accepted for consideration. The National Assembly was subsequently converted into a Special Committee to debate the religious status of the Ahmadiyya community. It called on Ahmadiyya representatives to present their views and to answer questions posed by MNAs. The Ahmadis were unanimously voted a non-Muslim minority and the SCA was enacted by the National Assembly on September 7, 1974. The SCA defines a non-Muslim as

A person who does not believe in the absolute and unqualified finality of The Prophethood of Muhammad (Peace be upon him), the last of the Prophets or claims to be a Prophet, in any sense of the word or of any description whatsoever, after Muhammad (Peace be upon him), or recognizes such a claimant as a Prophet or religious reformer, is not a Muslim for the purposes of the Constitution or law.⁴⁸

Defining Political Community

Before moving further, let us pause and analyze the situation. By linking their demand with issues of national identity and democracy, the religious movement was successful in getting Bhutto to place the movement's demand before the National Assembly for deliberation. In so doing, Bhutto in effect endorsed the religious establishment's definition of the political community as constituted by non-Ahmadi Muslim Pakistanis, a definition, it is worth remembering, that had been rejected by Justice

⁴⁵ National Assembly of Pakistan Debates (henceforth NAPD), June 30, 1974: 1302.

⁴⁶ *Ibid.*, 1303.

⁴⁷ *Ibid.*, 1306.

⁴⁸ Constitution (Second Amendment) Act of 1974, Constitution of Islamic Republic of Pakistan.

Samdani. The Muslim/Ahmadi distinction was subsequently inscribed within the procedure itself, which entailed a “cross-examination” of Ahmadiyya community leaders by MNAs. For the first time in Pakistan’s history, religious groups and Islamist parties came to shape the symbolic and cultural contours of the triangular relationship between state, nation, and religion, thus defining the trajectory of desecularization in Pakistan.

In agreeing to place the demand before the National Assembly, Bhutto did not simply accede to a religious demand. He endorsed a political *claim* about the boundaries of the political community. As Ernesto Laclau convincingly argues, a political claim that is popular, that is, when it is made by multiple, distinct, and differentially placed social groups who come together to pose a singular demand, constitutes at “a very incipient level . . . the ‘people’ as a historical actor.”⁴⁹ This proceeds through the construction of a political identity “picked up from the whole field of differences, and made to embody [a] totalizing function.” According to Laclau, “The ‘people’ . . . is something less than the totality of the members of the community: it is a partial component which nevertheless aspires to be conceived as the only legitimate totality.”⁵⁰ “The people” are a *part* of the totality but claim to be the *whole* through a signifier posited as the global identity of the polity.⁵¹

This is precisely what transpired at this moment. Although “Islam” had served as the identity of the Pakistani state since its inception, it had not served as a *political* identity, where political refers to sanctioning a social difference (one among a myriad) into a fundamentally insurmountable and antagonistic political division. As we have seen, while the state repeatedly made nods toward the Muslim identity of the majority of its citizens, it did not translate this religious identity into a political identity that would be constitutive of a lawful Muslim/non-Muslim division. This changed in 1974 when Bhutto agreed to place the issue of the religious status of the Ahmadiyya community before a National Assembly that did not contain any Ahmadis, thereby making one *section* of Muslim opinion

⁴⁹ Laclau (2005: 74).

⁵⁰ *Ibid.*, 81.

⁵¹ While Laclau positions populist reason as having immense emancipatory potential that can be harnessed for a radical democratic politics, I argue that the logic of populist reason also can be highly exclusionary and rights restricting. Consider also that from the perspective of anti-Ahmadi groups, the legislation restricting citizenship rights of Ahmadis is emancipatory because it liberates the sacred space of the people of the nation from potential contamination by religious pollutants.

the legitimate purveyor of the *totality* of the category "Muslim." The Muslim/Ahmadi distinction thus was inscribed within the procedure itself. A religious distinction was legitimized and rendered foundational, insurmountable, and antagonistic prior to being brought under scrutiny within the space of the National Assembly. The Ahmadiyya community's drift toward partial statelessness that I conceptualized in the Introduction began at this moment.

Populism and the Politics of Expediency

How can we explain this shift? Let us analyze the situation by first turning to how Bhutto came to power. Bhutto hailed from a feudal political family from Sindh and enjoyed a distinguished career as a politician and statesman, serving in important positions such as the Foreign Minister of Pakistan under the Ayub Khan regime. On developing differences with Ayub Khan, Bhutto formed the PPP in 1967, immediately winning the support of labor and youth organizations, the working class, religious minorities, and other disaffected social groups.⁵² Enjoying this extremely wide social base, Bhutto subsequently came to political dominance through a populist mode of electoral campaigning that was novel in Pakistani politics. He led "a folksy and colorful campaign" in which large portraits of Bhutto, Bhutto's performative theatrics during public rallies (such as passionate shouting accompanied with rolling up his sleeves and opening his shirt front), and catchy slogans centered on Bhutto ("Our Bhutto is truly a lion") were the norm.⁵³

Bhutto's political rhetoric was an embodiment of the discursive logic of populist mobilization, which entails "articulating an anti-elite, nationalist rhetoric that valorizes ordinary people."⁵⁴ Although Bhutto drew on "Islam" as a national symbol through his rhetoric about "Islamic socialism," the primary discursive trope through which he invoked the paramount social division in Pakistan was the one between economic classes – the haves and the have-nots. "Islam" served as a rhetorical device to infuse a primary economic distinction with additional meaning while serving

⁵² For the Bhutto era, see Burki (1988) on general political, economic, and social developments; Syed (1992) on Bhutto's emergence as a populist and charismatic leader; and Wolpert (1993) on the personalistic and psychological aspects of Bhutto's rule. Two penetrating "insider" studies include one by his close comrade Mubashir Hasan (2000) and another by his former friend and subsequent critic Sherbaz Khan Mazari (1999).

⁵³ Syed (1992: 68–79).

⁵⁴ Jansen (2011: 75).

the equally important function of nodding toward the idea of Pakistan as a Muslim nation-state. Bhutto's election discourse was nonetheless a highly significant factor in increasing the political hegemony of Muslim nationalist discourses.

It is in this context that we must situate the state's response to the movement demands. Bhutto chose not to revert to the historical precedent of cracking down on the religious movement as the state had done in 1953. Bhutto routinely engaged in highly draconian measures to repress not only his political opponents but also independent-minded colleagues.⁵⁵ However, suppression of the religious movement was not undertaken as a matter of considered policy. A number of reasons can be suggested. It must first be noted that if Bhutto chose not to crack down on the anti-Ahmadiyya movement, it was certainly not because of a principled stance toward social movements. For example, Bhutto carried out an extremely violent military operation in the province of Baluchistan in 1973 to curb a movement demanding greater regional autonomy.⁵⁶ During this time, Bhutto also began cracking down on labor movements.⁵⁷ Finally, a few months prior to the launch of the anti-Ahmadiyya religious movement, rifts started appearing between Bhutto and his close party comrades.⁵⁸ The timing of the anti-Ahmadiyya movement thus coincided with increasing hostilities between Bhutto and this wide range of individuals and social groups. It was in this context that Bhutto decided not to confront the religious establishment that had thrown its full weight behind the anti-Ahmadiyya movement.

Second, as we saw in Chapter 2, during the 1952–3 religious movement, the issue of state–religion relations was hotly contested among different state actors. The issue thus was unsettled within the state itself. In contrast, by 1973, the political elite had accepted that Islam was integral to Pakistan's national identity. While nominal, this identification was symbolically potent and had the effect of legitimizing subsequent political claims based on the idea of an Islamic polity. The specific processes through which these claims would be addressed, however, remained a contentious issue, as we will see below.

⁵⁵ The authoritarian and autocratic nature of Bhutto's regime, as well as his unique modes of torturing and humiliating opposition, is well documented. See, for example, Oldenberg (2010: 132–6).

⁵⁶ Jaffrelot (2002: 28–32). Subsequently, in 1975, Bhutto would dissolve NAP and arrest Wali Khan.

⁵⁷ Ali (2010).

⁵⁸ Haqqani (2005: 106–7).

Finally, the framing strategies used by the religious movement resonated with Bhutto's nationalist populist rhetoric. They reveal how populist rhetoric can take on a life of its own, opening new avenues for social actors who in turn respond to populist leaders in unforeseen and wholly innovative ways that can have consequences unenvisioned by political elites. The successful appropriation of a nationalist and democratic discourse by the religious movement effectively ensured that the Ahmadi question could not be confined to the Rabwah Tribunal. It had spilled over into other political logics and state spaces.

My interview with 1974 Speaker of National Assembly Sahabzada Farooq Ali, a close aide to Bhutto, confirms this view. According to Farooq Ali, Bhutto had received a lot of support from the Ahmadiyya community during his election campaign of 1970 and enjoyed close ties with several Ahmadis. Furthermore,

Bhutto told me personally that Ahmadis had suffered a lot and that they should not suffer any more. But Bhutto was left with no option. People wanted the issue to be taken to National Assembly. The day it was announced that the issue would be taken to National Assembly, the riots stopped.⁵⁹

Farooq Ali also spoke about his own close ties with Ahmadis that emerged over time owing to the presence of sizable Ahmadiyya communities in his electoral constituency cities of Sailkot and Gujarat. We can surmise that given the small size of the Ahmadiyya community, combined with the fact that it did not exert economic or political clout *as an organization* (certainly various Ahmadis in their individual capacities did), the promise of continued electoral support for the PPP by the Ahmadiyya community was secondary to the political gains that Bhutto perceived could be made by acceding to the anti-Ahmadiyya religious movement demands.

Farooq Ali further revealed that for both Bhutto and himself, the issue was not one of religion but of a popular demand that had to be met. According to him, Bhutto did not attend the Special Committee sessions because, as the representative of the entire country, he did not want to influence MNAs. Farooq Ali believes that another reason Bhutto did not attend these sessions was because he did not want to participate directly in an outcome that was at odds with his personal inclinations toward the issue. When asked if he now feels that the nationalist policy of exclusion adopted at that time was the correct

⁵⁹ Interview with Sahabzada Farooq Ali, Multan, April 8, 2008.

one, Farooq Ali responded in the affirmative “because this was the voice of the nation.”

Farooq Ali’s statements must be approached with some caution because they constitute the Bhutto regime’s official narrative about why the SCA was enacted. This narrative is explicitly aimed at augmenting political capital for the PPP by depicting Bhutto as a democratic leader who followed the will of the people. Non-PPP members of the National Assembly shared alternate views that must be given weight because these do not reflect official party lines and therefore are more suggestive of the dynamics governing the political field at this time.

For example, Raja Tridev Roy, Minister of Minority Affairs and Tourism at that time, maintained that Bhutto’s acquiescence to the movement demands as well as his subsequent policies of banning alcohol and declaring Friday instead of Sunday the weekly holiday (Friday is the day of special afternoon prayers in Islam) were not reflective of his personal views or wishes but arose from “a misplaced sense of self-preservation” and as a means to neutralize the Islamic rhetoric of opposition parties. I place both the populist logic identified by Farooq Ali and the politics of cooptation identified by Roy under the umbrella notion of *politics of expediency*, whereby political decision making about state–religion relations comes to be dictated by considerations other than official, issue-based manifestos of political parties. I will return to this point below.

INSCRIBING MUSLIM/AHMADI ON THE BODY POLITIC

In this section we will witness desecularization in action. I examine how the anti-Ahmadiyya movement’s demands were linked with secular imperatives of defining the boundaries between “religion” and the “secular,” reconstituting both in the process. My empirical site of inquiry is the proceedings of the Special Committee that were held in camera between August 5 and September 7, 1974, the day the SCA was enacted. The proceedings comprise 3083 pages and were conducted in Urdu and English languages, although Arabic references abound throughout. During the proceedings, leadership of both Ahmadi groups, the Rabwah group, and the Lahore group were called on separately to be “cross-examined” by Attorney General Yahya Bakhtiar, who assumed a position akin to a “lawyer.”⁶⁰ The proceedings were chaired by

⁶⁰ National Assembly of Pakistan, *Proceedings of the Special Committee of the Whole House Held in Camera to Consider the Qadiani Issue* (henceforth *Proceedings*),

Speaker of the National Assembly Sahabzada Farooq Ali. Any MNA who wished to pose a question to the Ahmadi representatives had to hand it in written form to the Attorney General, who would then proceed with the questioning. The Ahmadi representatives were to be “witnesses” and the MNAs “judges.” The proceedings thus assumed the air of a formal courtroom. The larger portion (eleven days) was spent questioning Mirza Nasir Ahmad,⁶¹ head of the Rabwah group. Two days were spent questioning Lahore group representatives and eight days on subsequent debates on the “advantages and disadvantages” of declaring the Ahmadiyya community non-Muslim. The quorum required for the proceedings was 40 MNAs.⁶²

Cross-Examination

The purpose of the proceedings was twofold: to question Ahmadi representatives on their religious views and, based on those findings, to determine whether the Ahmadiyya community ought to be declared a non-Muslim minority. The bulk of the questions proceeded from existing anti-Ahmadi narratives. These narratives were disseminated during the first anti-Ahmadiyya movement through public meetings, national newspapers, periodicals, and pamphlets. The crucial factor in 1974 was that Islamist parties advocated their demand inside the National Assembly through a core group of *ulema* MNAs who were at the forefront of posing questions. This lent political legitimacy to the anti-Ahmadi religious discourses that on previous occasions had been defined by state authorities as hate speech causing strife. At this point in time, the *ulema*, armed with their anti-Ahmadi narratives, were effectively entrusted with the task of determining the religious status of Ahmadis.⁶³

Official Report, August 5, 1974 to September 7, 1974: 2. Since the record is numbered consecutively for the entire period, I only refer to page numbers here.

⁶¹ Mirza Nasi Ahmad was the head of the Rabwah group of the Ahmadiyya community and the grandson of Mirza Ghulam Ahmad. By his own calculations, Mirza Nasir spent sixty hours answering questions over the course of these eleven days (*Proceedings*: 1504).

⁶² *Proceedings*: 2702.

⁶³ One exception occurred when an MNA, Abdul Hamid Jatoti, argued that he was incompetent to engage with the issue of the religious status of Ahmadis because “he was not an expert on Islam, studied *Islamiyat* [Islamic studies], or was a professor of *Islamiyat*.” He maintained that as a “lay-man” on these matters, it was not only difficult for him to serve as a judge but that it was also “unfair” on him to be expected to do (*Proceedings*: 256). Notwithstanding this one objection that was not made a point of debate, the cross-examination proceeded with the understanding that *ulema* MNAs would provide the necessary Islamic knowledge.

Not surprisingly, questions centered on old points of controversy, such as the prophetic status of Mirza Ghulam Ahmad, the nature of finality of the Prophethood in Islam, whether Ahmadis consider non-Ahmadis *kafirs* (heretics), and views on *jihad* (holy war). The next dominant line of questioning consisted of excursions into the “history” of the Ahmadiyya religion, including their relationship with British colonial authorities, their “separatism” from mainstream Muslims in the official British census as well as in social and cultural spheres such as marriage, the Ahmadiyya stance on various Muslim causes under colonial rule, including the Pakistan movement, and their relationship with Israel. The May 29 event and the Samdani Report were not discussed during the proceedings.⁶⁴

The hegemonic discourse that emerged after cross-examination was driven by speeches and written statements by the *ulema*. The key “findings” can be readily suggested: the Ahmadiyya movement is a political creation of the British colonial state designed to disrupt the unity of Indian Muslims; its religious precepts are heretical and doubly dangerous because they are presented as true Islam; the community’s social organization is separatist; and its political ambition is to take over Pakistan and reunite it with India.⁶⁵ The self-defense of Ahmadi representatives on these points was dismissed as being deliberately misleading.⁶⁶

For our purposes, the primary issue is not whether there are important religious differences between Ahmadis and non-Ahmadis, for we know that such differences have existed since the Ahmadiyya community’s inception. Similarly, both Ahmadis and non-Ahmadis have maintained a social distance from each other in certain areas such as marriage. The primary significance of this moment lies in these religious and social differences being rendered political and made the basis for redefining political community and national identity. As we will see next, the Pakistani state proffered extensive reasons and justifications for instituting these rearticulations.

⁶⁴ It had earlier been announced that the Samdani Report would be made available to the Special Committee. Although some MNAs requested to see it, it was not circulated.

⁶⁵ A useful document to consider that was circulated among the MNAs and that gives a synopsis of the anti-Ahmadi narratives is Maulana Mohammad Taqi Usmani and Maulana Samiul Haq’s *Qadianism on Trail: The Case of the Muslim Ummah against Qadianis Presented before the National Assembly of Pakistan* (1977), initially circulated in Urdu and subsequently translated into English.

⁶⁶ At one point during the proceedings, Mirza Nasir noted that he was being questioned on his religion, on which he was the most competent authority, and yet his statements were not being accepted by the Attorney General (*Proceedings*: 1039).

Internal Reasoning

In this section I explicate how the proceedings of the Special Committee were internally justified by the state *within* the existing constitutional framework of state–religion relations. The state held that in considering the religious status of Ahmadis, it was undertaking secular imperatives that require that the state regulate the boundaries between religious and secular spheres. A brief discussion on the first day of the proceedings explicitly dealt with the issue of the authority of the Pakistani state to determine the religious status of Ahmadis. Although Ahmadiyya community representatives consented to appearing before the National Assembly, Mirza Nasir intimated that religion was a matter of “heart and conscience” and that the very fact of the proceedings interfered with their constitutional right, enshrined in Article 20 of the Pakistani Constitution, to freedom of religious expression.⁶⁷ Article 20, entitled, “Freedom to Profess Religion and to Manage Religious Institutions,” holds: “Subject to law, public order and morality: (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.” It thus became incumbent on the state to present internal reasons and justifications for the proceedings.

The primary device that the Attorney General employed in his capacity as the representative of the state to counter Mirza Nasir’s claim was the issue of the limits to the free exercise of religious freedom. The Attorney General began by proffering a wholly distinct conception of religion:

It [religion] is just not a matter of heart and conscience. It remains a matter of heart and conscience only if you think, if you believe, if you have a faith; but the moment you give an expression to that faith, that belief, *you are likely to hurt somebody*, you are likely to affect somebody, you are likely to favour somebody?⁶⁸

At this moment, religious practices emanating from religious beliefs and subjectivities assumed public significance as potential sites of harm independently of the intention to cause harm. Mirza Nasir explicitly maintained that his religion was founded on values of love and affection for Muslims and not with the intention to hurt and harm.⁶⁹ This, however, was deemed irrelevant to the inquiry, and the issue of the intention of

⁶⁷ *Proceedings*: 60.

⁶⁸ *Ibid.*, 24, emphasis mine.

⁶⁹ *Ibid.*, 27.

Ahmadis was not brought under scrutiny. In this notion of religion, Ahmadis do not possess agency with respect to hurting non-Ahmadis – they cannot *choose* to hurt or not hurt – for they do so existentially, that is, by their mere existence.

The Attorney General further argued that freedom of religious belief and expression was not practiced by even liberal secular states. He invoked a number of examples, such as the ban on polygamous marriages that Mormons considered a part of their religious faith in the United States, the Prevention of Cow Slaughter Act that had been adopted by numerous states of India, and the abolition of Hindu practice of *sati* (widow burning) in British India to argue his case.⁷⁰ These examples, he argued, depicted that religious freedom was not an unconditional right. Furthermore, Article 20 of the 1973 Constitution itself made religious freedoms “subject to law, public order and morality” and hence did not impute an “absolute right.”⁷¹ The Attorney General presented a hypothetical scenario whereby a new Christian sect is established by hippies who refer to themselves as “Christians of Hippy Sect” and demand that they be allowed to “go about naked everywhere” on the grounds that all humans are born naked.⁷² The Attorney General argued that no law would heed this demand on grounds of morality.

The Attorney General also invoked the clause in the Constitution that enjoins the Pakistani state to take steps that enable Muslims to live their individual and collective lives in accordance with the teachings and principles of Islam.⁷³ He also made reference to Article 2 that declares Islam the state religion of Pakistan and argued that “in our Constitution, politics and religion are not kept separately, we are not a secular state.”⁷⁴ Finally, he argued that the Constitution lays down that only Muslims can occupy the posts of President and Prime Minister, hence making it incumbent on the National Assembly to define a Muslim.⁷⁵ In such a case, it was imperative to determine the “fundamentals of Islam,” his implication being that deviants from these fundamental beliefs needed to be clearly identified lest they infect the sacred body of Muslims. In response to Mirza Nasir’s assertion that in Islamic tradition worldly authorities did not possess the right to declare a person who claims to be a Muslim non-

⁷⁰ *Ibid.*, 27–9, 81, 87.

⁷¹ *Ibid.*, 40, 42.

⁷² *Ibid.*, 90.

⁷³ *Ibid.*, 96–8.

⁷⁴ *Ibid.*, 100.

⁷⁵ *Ibid.*, 101.

Muslim, the Attorney General argued that under certain conditions, states were in fact bound to determine the “true” religion of individuals. He presented a hypothetical case in which a known Muslim student might assert that he is a Christian so as to acquire a seat in an educational institution that is reserved for Christian minorities.⁷⁶ In other words, a secular function of the state was deployed to sidestep the issue of Islamic legal norms.

The Attorney General also anticipated the argument that the proposed amendment would violate international norms. He maintained that the United Nation’s Universal Declaration of Human Rights held that “The Human person’s most sacred and inviolable possessions are his mind and his conscience.”⁷⁷ He argued that the proposed amendment that would declare Ahmadis non-Muslim would not violate this tenet because the rights of the Ahmadiyya community to practice, profess, and propagate their religion would not only remain unaffected but also be duly protected.⁷⁸ The only caveat would be that Ahmadis would not be officially regarded as Muslims. Mirza Nasir continued to maintain that “no one has the right to call me a non-Muslim” and rejected the Attorney General’s arguments.⁷⁹ The cross-examination began without a consensus being reached on these foundational issues, turning instead toward the religious, political, and social controversies that I mentioned earlier.

Procedural Inscription of Religious Difference

An analysis of the proceedings of the Special Committee indicates that the Ahmadi/non-Ahmadi religious difference was enacted and reified within and through the procedure itself. I term this the “procedural inscription of religious difference” to suggest that the procedural aspects of the proceedings were premised on a predetermined response (Ahmadis are non-Muslim) to the very object of inquiry of the proceedings (the religious status of Ahmadis). For instance, Ahmadi representatives were required to take an oath before cross-examination. This was in accordance with their

⁷⁶ *Ibid.*, 48–51. All these points of argumentation were made in the course of “cross-examination” of Mirza Nasir and with the aid of multiple examples, some which the Attorney General admitted were “ridiculous” (*ibid.*, 94) and about which Mirza Nasir asserted that “these extreme examples, these imaginary examples, cannot solve the problem we are facing today” (*ibid.*, 113).

⁷⁷ *Ibid.*, 127.

⁷⁸ *Ibid.*, 128–9.

⁷⁹ *Ibid.*, 129–30.

“witness” status. After conclusion of the cross-examination, *ulema* MNAs who gave rebuttal speeches objected to taking oaths on the grounds that they were “judges.” Taking oaths, they maintained, would render them “witnesses” and equate them with Ahmadis.⁸⁰ The views of Ahmadi representatives about their own religion, offered under oath, were rejected as deliberately false and misleading by *ulema*, who claimed to know the truth about the Ahmadiyya religion independently of the cross-examination and who were to subsequently assume the role of neutral “judges.”

Second, the *ulema* repeatedly maintained that they were not merely representing (Pakistani) Muslims but stood for the universal voice of Muslims.⁸¹ This claim was tacitly accepted, and the proceedings unfolded on the premise that while Ahmadiyya representatives represented the Ahmadiyya community, the twenty-two *ulema* and MNAs⁸² who proposed the constitutional amendment represented the entirety of the Muslim *ummah*.⁸³ In other words, the proceedings were not premised on equivalence between Ahmadis and *ulema* as two religious groups representing particularistic and competing claims. The proceedings were structured on the notion that a particularistic religious identity, Ahmadiyya, was in contestation with transcendent and universal Islamic knowledge that required no scrutiny.

It is of immense significance that debates and speeches were almost entirely devoid of the issue of how Islamic legal norms and history have dealt with the issue of the forcible expulsion of those individuals and communities who claim to be Muslim from Islam. Mirza Nasir Ahmad had explicitly claimed that Islam provides no justification for such legislative action. One MNA belonging to an Islamist party attempted to address this issue by arguing that the SCA was justifiable from within the Islamic legal tradition. However, Chairman Farooq Ali declared these arguments as pertaining to mere “intricacies” that were better left for mosques and not the National Assembly.⁸⁴ What we then have here is not an episode of

⁸⁰ *Ibid.*, 1863–8.

⁸¹ *Ibid.*, 1863, 1875, 1885.

⁸² During the course of the proceedings, the list of signatories increased to thirty-seven.

⁸³ The resolution proposed by the thirty-seven members also invoked the Conference of the Muslim World League held in Mecca, Saudi Arabia, between April 6 and 10 in which it was proposed that Ahmadis worldwide be declared a non-Muslim minority.

⁸⁴ *Proceedings*: 2758–62. Another MNA argued that Ahmadis were apostates and hence could be legitimately murdered or expelled from Pakistan (*ibid.*, 2914–15). Unsurprisingly, this line of inquiry too was discouraged by Farooq Ali. On law of apostasy in Islam, see Griffel (2008). For an informative (but somewhat polemical) treatment of religious minorities in Islamic legal traditions, see Friedmann (2003).

deliberation among equals with competing claims about religious truths but one in which the already known falsehood of one religious claim has to be proved in the course of an interrogation. Thus one MNA suggested to the Attorney General during a session break (during which Ahmadiyya representatives left the room) that he restrict himself to those topics on which the representatives could be easily "cornered."⁸⁵ This telling remark suggests that the aim was neither to deliberate nor to neutrally examine Ahmadiyya claims. It was to prove as false what was already accepted as false. During another session break, Ahmad Raza Khan Qasuri (independent MNA) pondered that official records of the proceedings would depict MNAs as both "judges and prosecutors."⁸⁶ In this, Qasuri captured an integral element of the proceedings.

The final salient point about the inscription of religious difference within the procedure relates to the practice of reading aloud from pre-prepared texts. While MNAs vehemently objected to Ahmadiyya representatives drawing on written materials during their cross-examination, a practice that was repeatedly discouraged because Ahmadiyya representatives were told to confine their answers to extemporaneous speech and to submit their written statements separately, MNAs were given wide leeway to read from preprepared texts, which in one case numbered 200 pages, that were read over the course of two days.⁸⁷ Reading in this context was advantageous because it allowed more structured and reasoned arguments to be rendered. Furthermore, the written statements of Ahmadiyya representatives were not made part of the official record, whereas those read by MNAs inadvertently entered the official minutes. The official record thus gives disproportionate space to the arguments of the *ulema* and creates an inherent bias toward mainstream anti-Ahmadi narratives propounded by the *ulema*.

External Justifications

The motion to adopt the SCA was passed by Law Minister Hafeez Pirzada and six other MNAs who together drafted its text.⁸⁸ It was approved unanimously by all 117 MNAs present. In his speech preceding the

⁸⁵ *Proceedings*: 502–3.

⁸⁶ *Ibid.*, 673.

⁸⁷ *Ibid.*, 2096.

⁸⁸ The other six members were Mufti Mahmood (JUI), Shah Ahmad Noorani Siddiqi (JUP), Ghafoor Ahmad (JI), Ghulam Faruque, Ch. Zahur Elahi, and Sardar Moula Bukhsh Soomro.

motion, Pirzada announced: "Today, it is the victory of the democracy and the democratic institutions and democratic norms and traditions."⁸⁹ The proceedings just analyzed, however, are conspicuous for their marked *absence* of the term "democracy" and its cognates. Democracy was not used as an internal justification by the Special Committee, as we have seen. Yet it provided the central trope through which the SCA was justified within the larger national public sphere. This is echoed in an editorial of the English daily *Dawn*:

The manner in which the decision was taken augers well for the growth of democracy in the country. Constitutionality is the breath of life in a democracy. The same decision coming as an official decree would not have meant the same thing.⁹⁰

It is also evident in Bhutto's speech in the National Assembly later in the day after the Special Committee was adjourned *sine dine*. Bhutto hailed the decision as one of democratic triumph, maintaining that the decision could not have been taken "without democratic institutions."⁹¹ Remember that Bhutto completely refrained from attending the sessions of the Special Committee. However, his speech in the National Assembly was to provide the first public and officially sanctioned narrative about the proceedings. Bhutto deftly conjoined notions of popular democracy and national identity to celebrate enactment of the SCA. Bhutto maintained that resolution of the Ahmadi question was fundamentally a religious issue that required a "genuine resolution" because

Pakistan came into creation for the Muslims to have a homeland; and if a decision is taken which the body of Muslims in this country feel to be against the tenets of the fundamental beliefs of Islam, it would dangerously affect the rationale and *raison d'être* of Pakistan.⁹²

The SCA thus was equated with the very "rationale" for Pakistan. But it could not have been enacted "without democratic institutions." Because the proceedings of the Special Committee were held under camera, Bhutto enjoyed wide leverage to cast the proceedings as a triumph of democracy. Its infusion with religion, however, posed a conceptual question that did not pass Bhutto by. Was this a "religious" or a "secular" decision? Bhutto maintained that it was "both a religious decision and a secular decision":

⁸⁹ *Proceedings*: 3072.

⁹⁰ *Dawn*, Karachi, September 10, 1974.

⁹¹ NAPD, September 7, 1974: 565.

⁹² *Ibid.*, 566.

It is a religious decision because it affects the majority of the population of Muslims. It is a secular decision because we live in modern times and we have a secular Constitution and we believe in the citizens of the country to have their full rights. Every Pakistani has a right to profess his religion, his caste and his sect proudly and with confidence and without fear, and this guarantee the Constitution of Pakistan gives to citizens of Pakistan.⁹³

The notions of democracy and constitutionality that were celebrated at this moment are radically different from dominant understandings of what substantive democracies ought to look like.⁹⁴ As I have already intimated, they point to the dark side of democracy, which, as we have closely observed, can manifest in both physical and symbolic violence. We witness here an exclusionary logic that is characteristic of democracy anywhere and thus needs additional apparatuses and techniques to serve norms of equality and justice, be it through notions of individual liberal rights or communitarian notions of justice.

BETWEEN POLITICS AND POLICY

The preceding account gives us a view of how the Ahmadi/non-Ahmadi religious difference evolved into an officially sanctioned political division in Pakistan's constitutional law. The aim of the final substantive section of this chapter is to uncover what went on "behind the scenes." What were the political logics at play that led to unanimous endorsement of the SCA by all MNAs? How did the procedural success of Islamist movements, that is, their success in placing the Ahmadi question before the National Assembly, transform into substantive success in getting members of the National Assembly to endorse the SCA?⁹⁵ My argument about the moment of exclusion being pivotal in the desecularization of Pakistan will remain incomplete without considering how political actors view religious policy formation.

Based on my interviews with MNAs, I maintain that there were six logics/factors at play: religious controversy, lack of political autonomy, politics of fear, pressure politics, politics of silencing, and issue-based politics. All of these logics together contributed to enactment of the SCA, revealing that state desecularization processes proceed from actual

⁹³ *Ibid.*, 567.

⁹⁴ See essays in Benhabib (1996).

⁹⁵ On the distinction between procedural and substantive success by social movement "challengers," see Kriesi (1995).

and perceived structures of opportunities and constraints that govern mundane political action.

Impact of Religious Controversies

One of the first questions that the Ahmadiyya delegation was asked was whether they regarded non-Ahmadis as non-Muslims. Ghafoor Ahmed, an MNA belonging to JI, maintains that the response of the Ahmadis was an unequivocal yes,⁹⁶ which had the effect of angering secular MNAs who had been wary of the Ahmadi issue being brought to the National Assembly.⁹⁷ According to Sherbaz Mazari, an independent MNA, Ahmadi leaders in the National Assembly said “extremely provocative” things, and perhaps if they had been more tactful, some people might have felt differently about the proposed amendment.⁹⁸ Another MNA, Miangul Aurangzeb, holds that during the course of the inquiry, Ahmadi representatives maintained that the founder of the community and his descendants were incapable of any physical ailment, thus portraying their leaders as superhuman.⁹⁹ This irked MNAs already antagonistic toward Ahmadiyya religious beliefs. Farooq Ali maintains that when the Ahmadiyya representatives referred to Ahmadis as “the truly faithful and true ones” and to non-Ahmadis as *gumrah* (those who have strayed from the correct path), opinions turned against Ahmadis. It can be concluded from these accounts that the cross-examination did have the desired effect of bringing theological differences and controversies surrounding Ahmadiyya Islam to the fore.

Lack of Political Autonomy

There were also a number of additional logics and factors at play. Before the proceedings began, Bhutto publicly declared that MNAs would enjoy

⁹⁶ The response of the Ahmadiyya representatives (Rabwah) was in fact not an unequivocal yes. However, their response that “in one sense they are Muslim and in one sense they are *kaafir* [heretics]” (*Proceedings*: 192) can be reasonably interpreted as positing a deep religious divide between Ahmadis and non-Ahmadis. The irony, however, is that the parallel question of whether non-Ahmadis consider Ahmadis *kaafir* is foundational to the proceedings and is accepted as wholly legitimate.

⁹⁷ Interview with Ghafoor Ahmad, Karachi, March 8, 2008.

⁹⁸ Interview with Sherbaz Mazari, Karachi, March 9, 2008.

⁹⁹ Interview with Mian Gul Aurangzeb, Islamabad, March 4, 2008.

complete freedom to vote for or against the SCA as they saw fit.¹⁰⁰ Personal interviews conducted with a number of MNAs contradict this and point to the high stakes that developed for the ruling regime as Bhutto became increasingly convinced that the declaration of Ahmadis as non-Muslims would strengthen his popular appeal and political standing. Miangul Aurangzeb, who belonged to the opposition party Muslim League (Qayyum), held that

[t]he whole Assembly voted and the whole Assembly said they [Ahmadis] are non-Muslims, because we have dictatorships of different kinds. There are military dictators and there are civilian dictators. Hitler became a civilian dictator. Mussolini was a civilian dictator. Some were Generals, some were not. Nobody dare vote against Bhutto's wishes.

According to Aurangzeb, he was given the directive by his party head to vote against the Ahmadis. Bhutto wanted the amendment to go through in order to gain popularity among the people. Furthermore, "we, the members of ML (Q) were sold by Qayyum Sahib to Bhutto." Aurangzeb also held that "in the parliament there was no question of anybody opposing Bhutto's orders and nobody was willing to face the public outside." He explicitly maintained that "if I had a free choice I would have abstained [from voting]." It should be noted, however, that politicians in Pakistan in general do not exercise "free choice" in voting for or against laws and defer to party leaders, who factor in multiple considerations.

A very similar story was related to me by another MNA, Sherbaz Mazari, an Independent in the 1974 Assembly.¹⁰¹ With misting eyes, Mazari told me that he had erred in not taking a stand at that moment and had voted with the crowd in fear of Bhutto.¹⁰² According to Mazari, MNAs from Islamist parties and Bhutto approached him directly to vote for the amendment. These accounts suggest the lack of political autonomy that shaped voting decisions of at least some MNAs.

¹⁰⁰ *Dawn*, Karachi, June 14, 1974.

¹⁰¹ Sherbaz Khan Mazari is a prominent politician hailing from the province of Baluchistan. He was one of the twenty-two signatories of the initial resolution crafted by the *ulema* proposing that the National Assembly declare Ahmadis a non-Muslim minority. A personal friend of Bhutto at the time of the debates in 1974, Mazari subsequently developed deep differences with Bhutto after Bhutto launched military operations in Baluchistan. Mazari subsequently emerged as a staunch critic of authoritarian rule in Pakistan. These shifts are brilliantly documented in Mazari's acclaimed autobiography, *A Journey to Disillusionment* (1999).

¹⁰² Interview with Sherbaz Mazari, Karachi, March 9, 2008.

Politics of Fear

Miangul Aurangzeb also narrated the difficulties he would face from the electorate in his home constituency of Swat, an increasingly Islamicized area in the northern areas of Pakistan.¹⁰³ According to Aurangzeb, “In my country if you do not agree with the mobs, you are declared a traitor.”

There was the fear, because there was a general feeling in Pakistan ... anti-Ahmadi. I have got a couple of Ahmadi friends. They came and visited me in those days. They said we expect you to vote for us. I told them, “Chums, don’t think that I will be the single person in the hundred and forty-four members voting for you and the rest are voting against you”. And I said “I can’t even abstain ... And the punishment that I am going to receive after that [after voting against the amendment], are you going to help me?”¹⁰⁴

I term this political logic of engaging in religious politics the politics of fear.¹⁰⁵ It rests on the assumption, sometimes borne out in practice, that the “mob” exists and is always already willing to act at the behest of belligerent religious groups. As we shall have the occasion to see in Chapter 4, the politics of fear can become entrenched as a routine way of engaging with religious politics, in the process solidifying narratives of the religious establishment and fundamentally altering and constricting the discursive space of nationalist discourses.

Pressure Politics

If fear of the mob on the one hand and the constraints placed by Bhutto on the other shaped the votes of a few MNAs, other MNAs had yet other motivations. Ahmad Raza Khan Kasuri, an independent and an ardent critic of Bhutto both inside and outside the Assembly, was the first MNA to raise

¹⁰³ In addition to being a politician, Miangul Aurangzeb was also the Crown Prince of the Princely State of Swat in British India. The princely status was dissolved in 1947 when Swat acceded to Pakistan.

¹⁰⁴ Interview with Miangul Aurangzeb, Islamabad, March 4, 2008.

¹⁰⁵ The notion of politics of fear is typically deployed to refer to instances in which political leaders capitalize on the fears of their constituencies to push forward their preferred policies (e.g. Altheide 2006), when citizens live in fear under authoritarian or totalitarian regimes (Linz 2000), or, in a more philosophical vein, “a sensibility towards life in general” characterized by the belief that “humanity is confronted by powerful destructive forces that threaten our everyday existence” (Furedi 2005: 130). I deploy this notion to characterize instances in which individual political actors become fearful that they will be subjected to physical violence if they pursue certain policy measures or do not support others.

the Ahmadi issue in the National Assembly. According to Kasuri, he had two reasons: first, to create pressure on Bhutto by putting him in a difficult spot and, second, because of his religious convictions since he personally believes that Ahmadis are non-Muslim.¹⁰⁶ Kasuri surmised that for every member in the Assembly, there was a different motive for supporting the amendment. Some supported it because of their religious beliefs. Others, such as Bhutto and his close aides (e.g. Hafeez Pirzada), supported it because of political compulsion. Yet others supported it because they wanted to put pressure on Bhutto and did not expect Bhutto to let the Ahmadi issue be debated in the National Assembly. The main point is that for some MNAs, the Ahmadi issue proved to be expedient for putting pressure on a political opponent. This represents the logic of pressure politics whereby the primary impulse behind creating and supporting a political issue is the pressure it would exert on one's political opponents.¹⁰⁷

Politics of Silencing

A distinct shift that occurred in the political field between 1947 and 1974 was the slow decrease of political representatives belonging to minority religious communities. Raja Tridev Roy, Minister of Minority Affairs and Tourism in 1974, was the only non-Muslim in the National Assembly. During our conversation, Roy maintained that as a non-Muslim politician, he felt that he could not intervene in national debates about religion. Roy provided the following anecdote about the events surrounding the SCA:

At that time I remember that one of my tours was in Germany . . . Some of the members of the Ahmadi community came to see me and they protested and I had told them that I agree with much of what you say *but this is a matter of theology and dictation of Islam and so on and beyond my ability and my responsibility* but I will convey this to the government and I did but of course it didn't have much effect because by then it was . . . it had already been done. Now I can only say that *as a member of a minority community, I cannot pass an opinion on the declaration of the Ahmadis but as a person . . .* I don't think it behooves us or any government in power to declare anybody either this or that.¹⁰⁸

¹⁰⁶ Interview with Ahmad Raza Khan Kasuri, Islamabad, January 30, 2008.

¹⁰⁷ The impact of pressure groups on politics and policy making has been most extensively analyzed in relation to consolidated democracies such as the United States and those in Western Europe. My analysis, which extends into Chapter 4, suggests that this line of inquiry is also critical for understanding processes of policy formation in both transitioning democracies and authoritarian contexts.

¹⁰⁸ Interview with Raja Tridev Roy, Islamabad, April 4, 2008 (emphasis mine).

In response to a query about whether he could have launched an official protest against the SCA in his capacity as a representative of minorities, Roy maintained that his official task was to hear and then convey the plight of minorities to proper state authorities, implicitly implying that to intervene in the issue would have amounted to overstepping his official jurisdiction. His accounts are suggestive of the largely symbolic and ceremonial role of the Ministry of Minority Affairs in Pakistan. That Roy felt that his religious status excluded his voice in the national debate on the religious status of Ahmadis itself points to a fundamental transformation of Pakistani politics, especially when we recall the role played by non-Muslims members of the Constituent Assembly during debates on the Objectives Resolution in 1949.

This significantly reduced role of religious minorities within both formal politics and national debates is directly related to the anti-Ahmadi politics of religious groups that emerged in 1974. A popular and effective case for the exclusion of Ahmadis could be made precisely because of the glaring absence of political issues and actors representing the concerns of marginalized religious voices. This absence has resulted in a politics of silencing, whereby non-Muslims feel that they are unable to partake in national debates about state-religion relations.

Issue-Based Politics

Pierre Bourdieu argues that political parties in democracies are shaped by opposition and struggles between two groups of people within them. The first group comprises those who advocate a commitment to the original manifestos of the party even if it means denouncing the compromises necessary to increase the strength of the party. The other groups consists of politicians who side with the logic of Realpolitik and are willing to entail all the compromises and concessions that would lead to a broadening of its social base.¹⁰⁹ I have characterized the latter as the politics of expediency.

My evidence suggests that while Bhutto readily abandoned his rhetoric of Islamic egalitarianism and commitment toward religious minorities for political gains, Islamist parties deployed the May 29 event to further their party manifesto of creating an Islamic state. Ghafoor Ahmad, an MNA belonging to JI, voted autonomously and consistently with JI's political

¹⁰⁹ Bourdieu (1991a: 189–90).

project of instituting Islamic constitutionalism within a democratic framework. He maintains that he voted for the amendment both on the basis of his religious beliefs and because the 1973 Constitution declared Islam the state religion of Pakistan. Furthermore,

Pakistan's state is an ideological state . . . What was the basis upon which the sub-continent was divided? It was decided because the Muslims felt that . . . they had economic rights there too . . . but they felt that on the basis of their own concept, on the basis of their *din*, they could not set up a *nizaam* there. What Islam demands, the concept of the Islamic state, could not be realized by staying in India. We could have had independent provinces there, like they have states, but the majority in the center would have been that of non-Muslims.¹¹⁰

Ghafoor Ahmad's narrative depicts the consistent commitment of JI stalwarts toward the project of Islamic constitutionalism even as the political strategies and repertoires for realizing this project have been refashioned over time.

CONCLUSION

An investigation of key events, processes, and discourses surrounding enactment of the SCA demonstrates that desecularization in Pakistan is a multilayered, instituted process that has been shaped via distinct notions of democracy, politics, and national belonging. It is a political process entailing specific actors, interests, practices, and discourses through which the political importance of religion is reflected, reformed, and transformed. This process is not reducible to any "essential" features of Islam. It is an eventful and contingent process that took one specific historical form in Pakistan in 1974 – the enactment of exclusionary policies through formal democratic processes in the name of official religious nationalism. This process was driven by the agency of the anti-Ahmadiyya religious movement that appropriated key terms of political discourse rife at that time – democracy and Muslim national identity – to launch a large-scale religious movement. It was eventually successful in proffering a new definition of the political community, thus instituting new political distinctions within the body politic. An examination of the political processes and procedures through which the Ahmadi/non-Ahmadi religious distinction was transformed into an antagonistic and

¹¹⁰ Interview with Ghafoor Ahmad, Karachi, March 8, 2008.

insurmountable Ahmadi/Muslim political division is crucial for understanding the trajectory of desecularization in Pakistan.

My analysis also points to the “structural violence” of the modern nation form. This refers to the idea that “every institution of citizenship involves the institutionalization of exclusions, *following different historical modalities*.”¹¹¹ These historical modalities take specific forms through the constitutive tension between the notions of *demos* and *ethnos*. *Ethnos* refers to “the ‘people’ as an imagined community of membership and filiation,” and *demos* refers to “the ‘people’ as the collective subject of representation, decision making, and rights.”¹¹² The two notions of the people interact with each other over time, producing distinct trajectories of national belonging. We saw in Chapter 2 that the notion of people-as-*demos* was invoked under an authoritarian regime but then qualified to “civilize” the “masses” and contain unruly politicians and religious groups. By the time the second religious movement was launched in 1974, Pakistan had undergone significant institutional, political, and cultural changes so that a space was created for a particularistic identity to emerge as the universal norm. This emergence, and the totalizing Islamic identity that it was premised on, is significant for understanding the interlinkages among law, democracy, and minoritization.

Finally, my examination of the narratives and dispositions of concrete state actors has shown the multiple factors, political logics, and points of fracture through which a coherent narrative about the triangular relationship between nation, state, and Islam was produced and objectified in Pakistan on the site of religious difference. As we will see next, this triangular relationship was reconfigured yet again under the military authoritarian regime of Zia-ul-Haq, attesting to the still unsettled nature of state-religion relations at that time.

¹¹¹ Balibar (2004: 76, emphasis mine).

¹¹² *Ibid.*, 8.

The Nation-State and Its Heretics

General Muhammad Zia-ul-Haq came to power in 1977 through a military coup and undertook a project of Islamization of Pakistani state and society. This project was driven by imperatives of claiming legitimacy for his authoritarian usurpation of state power.¹ It entailed instituting puritanical laws such as the Hudood Ordinances and Blasphemy Laws that were put in place in 1979 and 1980, respectively. These represent some of the top-down measures undertaken by Zia-ul-Haq in the opening years of his regime. The broader Islamization project to which these laws belong has justifiably led to a host of commentators identifying the Zia-ul-Haq regime (1977–88) as the biggest culprit in establishing an intolerant Islamic polity rife with sectarian divisions. This era, in other words, is typically narrated as constituting a break from earlier trends and launching a novel trajectory of religious change in Pakistan.

This chapter problematizes this narrative by examining the promulgation of an executive ordinance in 1984 that made it a criminal offense for Ahmadis to refer to themselves as Muslims and to their religion as Islam and to propagate and preach their faith.² This ordinance also made any Ahmadi who “directly or indirectly, poses himself as Muslim . . . or in any

¹ There is a broad consensus among scholars of Pakistan that Zia-ul-Haq was driven to his Islamization program in order to claim legitimacy for his authoritarian rule. See Mehdi (1994: 31–3) for a discussion. For a different perspective that argues that Islamization was a means to augment state power and enhance its capacities to penetrate society, see Nasr (2001) and Malik (1996).

² This ordinance is titled the *Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance 1984* (henceforth 1984 Ordinance). See Appendix B for the full text.

manner whatsoever outrages the religious feelings of Muslims” liable to punishment.

I have argued that our accounts of modern desecularization processes need to analytically bridge the gap between theories of state formation and religious nationalism by decentering the state and denaturalizing seemingly primordial religious identities. The reification of the state – that is, approaching it as a unified whole within which different state actors act together in harmony and with autonomy to define national identity – is untenable when we pay attention to state–society interactions in the broader political field. In this now-familiar analytical vein, this chapter scrutinizes the promulgation of the 1984 Ordinance. My analysis suggests that this ordinance is a moment in the broader trajectory of unsettled desecularization in Pakistan. It further depicts the continuous agency of religious groups in directing this trajectory. Finally, it points to the operation of symbolic dimensions of the “dark side of democracy” under authoritarian rule.³

The Pakistani state was certainly more monolithic with respect to forming religious policies in the 1980s than in the 1970s, a difference we can attribute to the distinction between democratic and authoritarian regimes.⁴ It is nonetheless misleading to overlook state–society dynamics in authoritarian contexts. As Lisa Wedeen argues in a penetrating analysis of the political regime of President Hafiz al-Asad in Syria, authoritarian regimes expend considerable resources to “control the symbolic world, that is, to manipulate and manage systems of signification.”⁵ In Syria, she argues, this has taken the form of the official cultivation of the personality cult of Asad, which functions as “a strategy of domination based on compliance rather than legitimacy.”⁶

The case of Pakistan suggests the importance of both compliance and legitimacy, but from a different perspective. Although Pakistan has struggled with developing democratic institutions, the imperative of gaining legitimacy has been a crucial issue for authoritarian leaders. For example, Zia-ul-Haq expended considerable resources to achieve cultural legitimacy for his rule via his Islamization project, which entailed forming alliances with Islamist parties.⁷ At the same time, his regime also had to contend with a form of religious politics that we encountered in

³ Mann (2005).

⁴ For a classical statement on the distinction between democratic and authoritarian regimes, see Linz (2000), especially chap. 4.

⁵ Wedeen (1999: 5).

⁶ *Ibid.*, 6.

⁷ Zaman (2002).

Chapter 3. This politics is characterized by logics defined by pressure politics and the politics of fear, whereby belligerent religious groups make demands on the state by generating considerable noise in the public sphere, in turn compelling the state to respond to their claims. Seen from this perspective, we can hold that under certain circumstances and with respect to specific issues, compliance can emerge as an imperative for authoritarian regimes, too. This, as I demonstrate in this chapter, is markedly evident in the way in which the 1984 Ordinance was promulgated.

In order to fully understand why authoritarian leaders comply with social demands, we need to be attentive to the ways in which gaining political and cultural legitimacy, which is typically associated with democratic politics, is a feature of most modern polities save totalitarian regimes.⁸ In other words, imperatives that are typically associated with democratic politics also may be at play in authoritarian regimes. Authoritarian regimes are both at an advantage and at a disadvantage in this respect. They have an advantage because they are able to manufacture compliance among social actors, distort information, and remove with impunity political opponents from the political game. They are at a disadvantage because they come to power through undemocratic means, are politically unrepresentative, and are perceived as an interlude to normal democratic politics. The tensions and contradictions that arise because of the coexistence of these opposing dynamics means that under certain conditions, authoritarian regimes institute policies that are driven by democratic logics. This facilitates the authoritarian ruler's quest to shape the symbolic world and garner compliance. The promulgation of the 1984 Ordinance is a case in point.

To rephrase in the parlance of this book: authoritarian leaders function in political fields in which they compete with other political actors over acquisition of symbolic power with the end of transforming it into the ultimate form of political power – political legitimacy. This is more likely to be the case in authoritarian regimes in which “there is a tradition of rule of law and civil society that might be quite lively.”⁹ While this designation cannot be applied wholesale to Pakistan, it can be noted that by the time Zia-ul-Haq came to power, the public authority of religious groups and their ability to shape positive laws of the state, as demonstrated by enactment of the Second Constitutional Amendment (SCA), was on the rise.

⁸ Linz (2000).

⁹ Linz and Stepan (1996: 62).

This chapter demonstrates that notwithstanding his authoritarian rule, Zia-ul-Haq had to take these dynamics governing the political field into account. Following enactment of the SCA, the Ahmadiyya community continued to refer to itself as Muslim. This led to the launch of a third anti-Ahmadiyya movement demanding that the state intervene further to curb the religious rights and freedoms of the Ahmadiyya community. Zia-ul-Haq immediately met these demands. It was only subsequently that the 1984 Ordinance was woven into Zia-ul-Haq regime's nationalist narrative.

This narrative was met with serious opposition. In the Introduction, I developed the argument that the process of accommodating Islam within modern institutions of the nation-state is fraught with tensions. This is so because the homogenizing impulse of exclusionary religious nationalism constantly runs into two oppositional narratives. The first is centered on liberal rights that are endorsed to varying extents in constitutional frameworks of Muslim states. The second is specific to Muslims societies and is centered on *sharia* norms that deem it imperative to respect religious freedoms and accommodate non-Muslim minorities within the polity. This chapter provides empirical support for this argument by drawing attention to how Ahmadis contested enactment of the SCA. It also demonstrates that the 1984 Ordinance generated vibrant public debates about ideal state-religion relations and rights of religious minorities. Politicians, public intellectuals, and concerned citizens actively debated and questioned the 1984 Ordinance on both secular and Islamic grounds, in the process unsettling Zia-ul-Haq's Islamization project.

FROM DEMOCRACY TO AUTHORITARIANISM

The immediate pretext for Zia-ul-Haq's military coup was the discontent caused by the alleged rigging of the 1977 general elections overseen by the ruling political regime of Bhutto.¹⁰ The charges were levied by an alliance of nine major opposition political parties that had formed an umbrella organization, the Pakistan National Alliance (PNA), to contest the elections as a unified bloc against Bhutto's Pakistan Peoples' Party (PPP).¹¹ In its election campaign, the PNA emphasized high inflation, state

¹⁰ Ziring (1980).

¹¹ These included Islamist parties, the center-right Pakistan Muslim League (PML), and socially progressive parties such as *Tehrik-e-Istiqlal* and the Pakistan Democratic Party.

corruption, and suppression of dissent under Bhutto's autocratic leadership.¹² The PNA also vocally criticized Bhutto's socialist and nationalizing policies. The election results showed a landslide victory for the PPP, leading to a second round of PNA activism centered on allegations of rigging of elections. These charges were accompanied with PNA-led anti-Bhutto demonstrations across Pakistan in which PNA leaders joined their criticisms of Bhutto, including his drinking and womanizing habits, with the promise of introduction of *Nizam-i-Mustafa* (law of Mohammad). The precise contours of this proposed Islamic system were left vague, contributing to its popular appeal.¹³

Bhutto responded to the PNA opposition in his characteristic fashion by arresting senior PNA leaders and opposition activists. However, the PNA-led agitation continued to grow. It was at this point that Bhutto attempted to neutralize the rhetoric of *Nizam-i-Mustafa* by taking "Islamic" measures such as banning the sale and consumption of alcohol, prohibiting gambling, and replacing Sunday with Friday as the weekly holiday. It was also at this juncture that Bhutto initiated a reconciliation process with the PNA, but to no avail. A bloodless military coup brought Zia-ul-Haq, in his role as Chief Martial Law Administrator, to the apex of state power.

On assuming power, Zia-ul-Haq promised that free and fair elections would be held within ninety days. In 1978, however, Zia-ul-Haq appointed himself the President of Pakistan, suspended the 1973 Constitution, and imposed a host of martial law regulations. In 1981, a number of political parties joined hands with the PPP and organized themselves into the Movement for the Restoration of Democracy when it became clear that Zia-ul-Haq had no intention of holding general elections. The significant event that precipitated the formation of the Movement for the Restoration of Democracy was the enforcement of the Provisional Constitutional Order (PCO) that entirely replaced the 1973 Constitution that was in abeyance at that time.¹⁴ Elections were eventually held on a nonparty basis. Nearly every major political party, including those that had been part of the PNA, boycotted the 1985 elections. These elections led to formation of the puppet regime of Prime Minister Muhammad Khan Junejo (eventually dismissed by Zia-ul-Haq in

¹² Rizvi (2000: 158).

¹³ *Ibid.*, 159. Also see Talbot (1998: 243-4).

¹⁴ The PCO was an unratified political document that was framed as a constitution. It was designed to serve as a legal instrument to make Zia-ul-Haq's regime appear lawful.

1988). Real power nonetheless lay in the hands of President Zia-ul-Haq, a situation that continued until his mysterious death in 1988.¹⁵ The Zia-ul-Haq era on the whole was characterized by state repression of political and cultural dissent through the use of a brutal army, martial law based on a culture of fear, mass arrests, and the banning of political parties.¹⁶

ISLAMIZATION: TOWARD A NEW SETTLEMENT OF STATE-RELIGION RELATIONS

Zia-ul-Haq's project of Islamization followed loud political voices that religious ideology proposed by Bhutto was inadequate for giving voice to the nation's aspirations. The measures undertaken by Bhutto – declaration of Islam as the “state religion” in the 1973 Constitution, enactment of the SCA, and his populist discourses about Islamic socialism – were ultimately unable to settle the question of state-religion relations. Consequently, when opposition to Bhutto's autocratic rule arose in the form of organized political opposition, one of its rallying cries was the imposition of *Nizam-e-Mustafa*. The underlying premise was that Bhutto had failed to deliver a hegemonic response to the ideological question of state-religion relations in Pakistan. Certainly there were material interests fueling this rhetoric. However, the call for “more” Islam was both met with popular approval and endorsed by secular political parties. In other words, the demand for “more” Islam emerged *prior to* Zia-ul-Haq's project of Islamization. Zia-ul-Haq launched his Islamization project by capitalizing on this sentiment. This project thus constituted yet another official attempt at resolving the foundationally unsettled issue of state-religion relations.

Zia-ul-Haq's Islamization program did not alter the functional differentiation of distinct social realms of politics, economy, law, and religion that characterizes modern secular political orders. It instead selectively inserted certain “Islamic” personnel, codes, and ethics within these differentiated realms. Such measures were initiated as soon as Zia-ul-Haq came to power. One of the first steps undertaken was reconstitution of the Council of Islamic Ideology, an advisory body formed in 1962 that was given the task of bringing laws of the state into conformity with injunctions of the Quran and *Sunnah*. Through the Council of Islamic Ideology,

¹⁵ For general accounts of the Zia-ul-Haq era and the themes touched on in this section, see Burki and Baxter (1991).

¹⁶ Toor (2011: 125–30).

Zia-ul-Haq sought to coopt potentially unruly *ulema* by incorporating them into the state machinery. While the Council's advice was routinely solicited, proposed measures were often dismissed and almost always toned down.¹⁷

A main thrust of the Islamization project was the enforcement of public piety.¹⁸ The state-controlled media was given an "Islamic" color through compulsory head covering for female employees, stricter censorship laws, reduction in entertainment programs, and an increase in programs centered on religious education. Prayers were made compulsory in government offices. Fasting during the Islamic month of Ramadan was made incumbent, and violators and those found eating and drinking in public places during fasting hours were made liable to punishment. Islamic modes of interest-free banking were introduced, and *zakat*, a charity tax that is obligatory for Muslims, was made compulsory by the state. Zia-ul-Haq also adopted a number of measures that led to Islamization of the legal system in Pakistan. The major institutional step taken in this direction was creation of the Federal Shariat Court and the Shariat Appellate Bench of the Supreme Court.¹⁹

Zia-ul-Haq introduced a number of controversial criminal laws. A series of ordinances introduced what are popularly referred to as "blasphemy laws" in the Pakistan Penal Code (PPC). The first ordinance was promulgated in 1980 and made anyone who "defiles" the name of Prophet Mohammad, his wives, family members, or companions liable to punishment. The second ordinance was promulgated in 1982 and made anyone who "willfully defiles, damages or desecrates" the Quran liable to imprisonment for life. The third ordinance was introduced in 1986 and made anyone who "defiles" the Prophet Mohammad liable to punishment with death, imprisonment for life, and fines.²⁰ Zia-ul-Haq also promulgated Hudood Ordinances that introduced punishments such as amputation of limbs, whipping, and stoning to death for crimes relating to extramarital sex (including rape), false accusations of extramarital sex, theft, and consumption of alcohol.²¹ By imposing traditionalist,

¹⁷ Malik (1996: 33–48). Also see Mehdi (1994: 206–9).

¹⁸ Toor (2011: 133–35).

¹⁹ Weiss (1986). I discuss these legal changes in Chapter 5.

²⁰ Mehdi (1994: 149–50). For a discussion of the Blasphemy Laws, see Siddique and Hayat (2008).

²¹ Mehdi (1994: 109–10). Of these, the laws relating to rape have been especially controversial because the pertinent law requires either the rapist's verbal consent or evidentiary testimony of four Muslim male adults, thereby making it impossible for a woman to

puritanical, and literalist understandings of Islamic law and punishment, Zia-ul-Haq attempted to create a regime of moral regulation premised on a patriarchal religious nationalism.

Zia-ul-Haq sought to normalize nationalist narratives linking Islam with Pakistan by authorizing the official history of Pakistan, in the process giving a central role to the two-nation theory and, by extension, to Muslim nationalism.²² The state-controlled educational system during the Zia-ul-Haq regime rigorously expounded the idea that Pakistan was an "Islamic state," Urdu its national language, and Islam its official ideology. Zia-ul-Haq's attempts to cement a new nationalist narrative for Pakistan can be witnessed by steps taken to represent Jinnah as having sanctioned the creation of an Islamic state. Newspaper articles on Jinnah on the eve of his birthday celebrations in 1981 omitted speeches and quotations from Jinnah in which he had laid out an explicitly secular program for Pakistan.²³

With this background, the rest of this chapter probes into the official policy of criminalization of Ahmadis through the promulgation of the 1984 Ordinance. It demonstrates that, as has been its wont, the Ahmadi question arose and became subject to currents in the political field once again during the Zia-ul-Haq regime, eventually getting linked to public debates and contestations over religious ideology and national identity. The discussion that follows proceeds in four parts. The first part examines the Ahmadiyya response to the SCA. The second part deals with the engagement of *ulema* with the Ahmadi question after enactment of the SCA. The third part analyzes the politics of promulgation of the 1984 Ordinance within the state. The final part analyzes the reception of the 1984 Ordinance in the public sphere. The discussion thus moves from Ahmadis to *ulema* to the state to the public sphere.

prove rape. However, because the Hudood Ordinances also make extramarital sex a crime, any woman unable to establish that she was raped automatically stands convicted of adultery or fornication (Jahangir and Jilani 1990; Kennedy 1988). In 2006, the National Assembly passed a Women's Protection Bill that has removed provisions relating to rape and fornication from the Hudood Ordinances, and hence the Shariat courts, and placed them under the jurisdiction of the criminal courts (Lau 2007).

²² Jalal (1995).

²³ This move was noted by a number of politicians. A resolution was subsequently moved in the National Assembly that attempted to ban any verbal or written comments that "would in any way, directly or indirectly, detract from, or derogate (Jinnah's) high status, position and achievements" (cited in Talbot 1998: 256; also see Ahmed 1997 and Jan 1998).

QUESTIONING EXCLUSION

The Ahmadi question continued to occupy the public sphere after enactment of the SCA. For one, Ahmadis publicly questioned the legitimacy of the SCA. They vocally rejected the authority of the National Assembly to forcibly declare Ahmadis non-Muslim. They leveled the critique that the SCA constituted a violation of the principles of religious freedom that were germane to both the Pakistani Constitution and Islamic tradition. They continued to maintain that the Ahmadiyya community's interpretation of the notion of the Finality of Prophethood did not violate core Islamic tenets contained in the Quran. By proclaiming itself Muslim, the Ahmadiyya community effectively kept the Ahmadi question alive in the public sphere.

Rejoinder

In 1975, Ghafoor Ahmad, a Member of National Assembly (MNA) belonging to the *Jamaat-e-Islami* (JI), published an article entitled, "The Qadiyanies – A Non-Muslim Minority in Pakistan."²⁴ We encountered Ghafoor Ahmad in Chapter 3. He held a central place within the leadership of JI and was at the forefront, in his capacity as an MNA, of the campaign for enactment of the SCA. Ahmad's article, which laid out arguments in support of the SCA, elicited a published response from the Ahmadiyya community entitled, "A Rejoinder to the Qadiyanies – A Non-Muslim Minority in Pakistan" (henceforth "Rejoinder"). It represents the Ahmadiyya community's response to the SCA and provides a window for examining its contested meanings after its enactment.

The "Rejoinder" challenges enactment of the SCA by first maintaining that the National Assembly that had declared Ahmadis non-Muslim was not an "ecclesiastical body" and thereby did not have the "authority to make such a determination." Furthermore, most MNAs were not competent to make judgments about Islamic law because "it would be difficult to find among the members even a dozen who could read the Holy Quran accurately, let alone know its meaning."²⁵ The "Rejoinder" also raises the issue of the consumption of alcohol by MNAs, charging Yahya Bakhtiar,

²⁴ This article is described in Central Ahmadiyya Organisation (1980). I was unable to obtain a copy of the article.

²⁵ *Ibid.*, 5.

Pakistan's Attorney General, who had carried out the "inquisition" of the Ahmadiyya community's leadership in the National Assembly in 1974, with indulging in "this abomination and satanic device."²⁶ The Ahmadiyya, in contrast, were "a community an average member of which is far better instructed in these matters than the total membership of Parliament taken together and conforms far more strictly and piously to the values of Islam than an average member of Parliament."²⁷

The "Rejoinder" also brings up the issue of *khatam-e-nabuwwat* from a theological perspective, quoting verses from the Quran to argue that the Ahmadiyya interpretation was in conformity with key Islamic verses on the issue. It reiterates that the Quran formed the principal source of Ahmadiyya faith. The "Rejoinder" also refutes the claim that Mirza Ghulam Ahmad was an "agent" of the British colonial state, throwing out a challenge (to Ghafoor Ahmad) "to prove that a single rupee was ever paid to him by the British."²⁸ It also contests Ghafoor Ahmad's claims regarding supposed attempts by the Ahmadiyya community to take over Pakistan after its independence in 1947. Here the "Rejoinder" challenges the mainstream narrative about the Ahmadiyya community being the internal enemy of Pakistan.

Finally, the "Rejoinder" points out that the spiritual leader of the Ahmadiyya movement had publicly told Ahmadis to not accept the SCA. It expresses surprise that Ghafoor Ahmad should question this response, asking rhetorically

Did he [Ghafoor Ahmad] really expect that the Head of the Ahmadiyyah Movement, as leader of a community which is inspired by passionate devotion to the teachings, values and ideals of Islam, should have welcomed enthusiastically a pronouncement to the effect that they are all non-Muslims?²⁹

The "Rejoinder" argues that the SCA not only violated the fundamental rights of religious expression protected by the Pakistani Constitution but also the religious injunction contained in the Quran that "There shall be no compulsion in religion, for guidance and error have been clearly distinguished' (2.257)."³⁰ With respect to

²⁶ *Ibid.*, 6.

²⁷ *Ibid.*, 5.

²⁸ *Ibid.*, 13.

²⁹ *Ibid.*, 27.

³⁰ *Ibid.*, 28.

the recommendation made during enactment of the SCA that a special committee of the National Assembly be formed to amend the Pakistan Penal Code so that it would make it a crime for Ahmadis to profess or propagate their interpretation of the finality of prophethood, the "Rejoinder" holds that

A belief sincerely held would not be abandoned because the holding of it has been declared to be an offence, so that by virtue of such legislation a doctrine could become a continuing offence attracting perpetual imprisonment.³¹

Such a situation, it continues, "would reduce law to a patent absurdity." As we will see later, this is precisely what transpired with promulgation of the 1984 Ordinance.

Sermons

The Ahmadiyya community's response to the SCA can also be gleaned by examining the sermons delivered by the spiritual head of the Ahmadiyya community (Rabwah), Mirza Nasir Ahmad, at the annual meetings held in Rabwah. For example, in his sermon at the 1974 annual meeting of the Ahmadiyya community, Nasir Ahmad referred to people behind the enactment of the SCA as "the step-children of our mother country."³² Reminding his community of the sacrifices made by them and the losses suffered during the partition of British India, Nasir Ahmad exhorted Ahmadis to stay committed to the well-being of Pakistan and reiterated his faith in God, Prophet Mohammad, and Mirza Ghulam Ahmad:

It is only an Ahmadi who has a living relationship with God through the Holy Prophet, peace be upon him, and through his beloved Mahdi, on whom be peace. These things have been restored to us in this age by the Mahdi. How can we leave him who has made us acquainted with the living God and who has shown us the Islamic ways through which we have established a living relationship with God?³³

Similarly, in his sermon delivered at the annual meeting in 1975, Nasir Ahmad told the gathering of Ahmadis that

³¹ *Ibid.*, 29.

³² Ahmad (1976: 61).

³³ *Ibid.*, 67.

The [Ahmadiyya] Community has been established to bring about the supremacy of Islam and thus every supplication made for the supremacy of Islam is also a supplication for strengthening the Community.³⁴

In his 1978 sermon, Nasir Ahmad discoursed on the freedom of religion and conscience in Islam, quoting extensively from the Quran to argue that

There is no compulsion whatever in Islam. So far as the Holy Quran is concerned there is no text, no verse, not a single word that prescribes any worldly, political or administrative punishment for apostasy [*sic*].³⁵

Ahmad reiterated his position on the religious status of Ahmadis in this sermon:

We esteem ourselves Muslims; we are Muslim. We have never thought of departing from Islam. We deem it a curse that our tongues should say that we are not Muslims, that we have abandoned God and that (God save us) we do not believe in Muhammad, the Messenger of Allah, peace be on him.³⁶

The "Rejoinder" and Nasir Ahmad's sermons together indicate that the Ahmadiyya community did not interpret the SCA as making it unlawful for them to declare themselves Muslim. The SCA, in point of fact, did not make it incumbent on Ahmadis to stop referring to themselves as Muslim or practicing and propagating their faith. It rendered Ahmadis non-Muslim for the purposes of law. Because a Muslim identity at this time did not translate into different citizenship rights barring election to highest elected political positions, we can conclude that the SCA was primarily a symbolic act of exclusion whose practical effects were felt through social and not legal discrimination.

TOWARD CRIMINALIZATION

The Ahmadiyya community's critiques of the SCA must be situated alongside the continued polemical warfare of the *ulema* against Ahmadis. At the same time that Ahmadis were vocally questioning the premises on which the SCA was enacted, the *ulema* were engaged in their own cultural anti-Ahmadi campaign. In 1974, the *Majlis Tahaffuz Khatm-e-Nubuwwat* (Association for the Protection of the Finality of Prophethood [MTKN]), which we encountered Chapter 3, launched a printing press in Multan that was devoted almost exclusively to the issue of the Finality of Prophethood. Not surprisingly,

³⁴ *Ibid.*, 74.

³⁵ Ahmad (1979: 10).

³⁶ *Ibid.*, 13.

the issue's significance was defined with reference to the Ahmadiyya faith. The press was launched by publishing texts that had been written by *ulema* for purposes of convincing members of the 1974 National Assembly that Ahmadis ought to be declared a non-Muslim minority. Remember that the 1974 National Assembly proceedings were held in camera. The MTKN issued unofficial accounts of the proceedings of the National Assembly in both Urdu and English.³⁷ It also disseminated pamphlets with provocative titles such as "What Is Qadianiat?"³⁸ "The Qadiani Funeral,"³⁹ "The Difference between Qadianis and Other Infidels,"⁴⁰ and "Qadianis: A Plant Grown by the British."⁴¹

Maulana Allah Wasaya, an MTKN leader, explained how his organization redefined its anti-Ahmadi organizational mission after enactment of the SCA. He pointed out that even after enactment of the SCA, Ahmadis persisted in calling themselves Muslims, thereby "creating a complication [for] themselves." According to Allah Wasaya (AW):

AW: Qadianis should respect the constitution, act on it, and admit that they are not a part of the Muslim community. As a minority and on the basis of being humans, they are our brothers . . . We converse with them, we sit with them, we have table talk with them. They are citizens of this country. It is our duty to take care of them, but on the condition that they had accepted this constitutional amendment. But rather than doing that, they became rebellious.

AUTHOR: HOW DID THEY REBEL?

³⁷ The English version is entitled, "Qadianism on Trial: The Case of the Muslim Ummah Against Qadianis Presented before National Assembly Pakistan" (Usmani and Haq, n.d.).

³⁸ Ludhianvi (2001).

³⁹ Ludhianvi (n.d.a).

⁴⁰ Ludhianvi (n.d.b).

⁴¹ Anonymous and not dated; all titles translated by author. The tracts, "What Is Qadianiat," "The Qadiani Funeral," and "The Difference between Qadianis and Other Infidels" are written by Maulana Mohammad Yousuf Ludhianvi, a prominent political leader and a religious scholar of the Deobandi school associated with the MTKN. In addition to his anti-Ahmadiyya views, he is widely known for his anti-Shia polemics. A major distinction informing Ludhianvi's religious thought on religious difference is the distinction between "interpretive difference" (such as between different schools of thought such as Deobandi and Barelvis within South Asian Sunni Islam) and "ideological difference" (such as between "Muslims" and Ahmadis and possibly Shias). According to Ludhianvi, only the former point of difference is legitimate (Khan 2009: 439–40). These, and various other pamphlets, can be found in English at MTKN's official website (<http://khatm-e-nubuwwat.org/english/pamphlets/f.htm>).

AW: The constitution says that they are non-Muslim. They say that we are not non-Muslim. Is that not a violation of the constitution?

The constitution says that Ahmadis are not Muslim . . . that a particular community is not a part of Muslims. They say that they are and so they have denied the constitution.⁴²

The argument that Ahmadis were violating the Pakistani Constitution by publicly referring to themselves as Muslims was the central trope through which the religious establishment sought to fix Ahmadis as rebels. It was at this time that the Ahmadi question also entered the courts, thus becoming a technical legal issue. For example, *ulema* petitioned the courts that Ahmadis ought to be restricted from praying in mosques and calling out *Azaan* (the Muslim call to prayers) on the grounds that these were reserved for exclusive use by Muslims.⁴³ The Lahore High Court categorically rejected the legality of these claims. The inability of *ulema* to mobilize the courts breathed new life into their anti-Ahmadi campaign, ultimately leading to the launch of yet another organized religious movement. Furthermore, by keeping the Ahmadi question alive, both Ahmadis and MTKN effectively ensured that it would continue to function as the symbolic site on which future renegotiation of state–religion relations would take place. When the ideological question about Islam’s place in the Pakistani polity rose to the surface yet again under the Zia-ul-Haq regime, it provided an opening for *ulema* to make new anti-Ahmadi demands. Once again, it was demonstrated that any settlement of state–religion relations must pass through the Ahmadi question.

The Third Anti-Ahmadiyya Religious Movement

The *ulema* started expressing their concerns to Zia-ul-Haq about the “anti-Islamic” activities of Ahmadis as early as 1980. During the All-Pakistan Convention of *ulema* that was also attended by Zia-ul-Haq, some *ulema* pointed out to Zia-ul-Haq that government circulars continued to refer to Ahmadis as “Qadiani Muslims” despite enactment of the SCA.⁴⁴ This, they argued, caused confusion about the religious status of Ahmadis. Zia-ul-Haq assured the *ulema* that the circular would be amended and that the government would keep Ahmadi literature

⁴² Interview with Maulana Allah Wasaya, Islamabad, March 5, 2008.

⁴³ The most prominent court case in this regard is *Abdur Rahman Mobashir v. Amir Ali Shah*, PLD 1978, Lahore 113, which I discuss in detail in Chapter 5.

⁴⁴ Kaushik (1996: 60).

under close scrutiny to ensure that the name of Prophet Mohammad was protected.

As noted earlier, Zia-ul-Haq suspended the 1973 Constitution on assuming power and introduced a Provisional Constitutional Order (PCO) in 1981. It served as the Constitution until the 1973 Constitution was reinstated in 1985. As a nod to the *ulema*, the PCO not only retained the SCA but also introduced an interpretation clause that explicitly named Ahmadis as non-Muslim. Remember that the SCA had defined a non-Muslim in general terms. It had not named Ahmadis as non-Muslim.⁴⁵ In 1981, a definition of "Muslim" was inserted in the PCO:

A "Muslim" means a person who believes in the unity and oneness of Almighty *Allah*, in the absolute and unqualified finality of the Prophethood of Muhammad (peace be upon him), the last of the prophets, and does not believe in, or recognize as a prophet or religious reformer, any person who claimed or claims to be a prophet, in any sense of the word or of any description whatsoever, after Muhammad (peace be upon him).⁴⁶

An article that explicitly renders Ahmadis "non-Muslim" and at par with other religious minorities was inserted in 1983:

"Non-Muslim" means a person who is not a Muslim and includes a person belonging to the *Christian, Hindu, Sikh, Buddhist* or *Parsi* community, a person of the *Qadiani* Group or the *Lahori* Group who call themselves "*Ahmadis*" or by any other name or a *Bahai*, and a person belonging to any of the Scheduled Castes.⁴⁷

Despite these changes, the religious establishment relaunched the *Tehrik-e-Khatm-e-Nabuwat*, or the Movement for the Protection of Finality of Prophethood (henceforth TKN). The movement got its impetus from Zia-ul-Haq's continual and public proclamations regarding his plans for Islamization of Pakistan. Islamist parties campaigned for the complete removal of Ahmadis from the civil bureaucracy and the military on the grounds that Ahmadis were traitors to Pakistan and engaged in terrorist and subversive activities. Zia-ul-Haq publicly termed Ahmadis "worse than *Kafirs*."⁴⁸

⁴⁵ It had, however, explicitly placed Ahmadis alongside other religious minorities (Christian, Hindu, Sikh, Buddhist, and Parsi) and scheduled castes for the purposes of reserved provincial assembly seats. Article 160(3), Constitution of Pakistan.

⁴⁶ Lau (2006: 130).

⁴⁷ *Ibid.*, 114.

⁴⁸ Quoted in Kaushik (1996: 62).

The TKN announced that it would dedicate the entire year of 1984 to curbing the Ahmadiyya threat, recalling that 1984 marked the ten-year anniversary of the SCA. It placed its formal demands before the state in January 1984. It demanded introduction of death sentence for apostasy, a complete ban on publication and distribution of Ahmadiyya literature, and that the state take steps to curb the “anti-Islamic” activities of Ahmadis. The Council of Islamic Ideology openly sided with these demands and added its own list of demands, including that Ahmadis should be prohibited from naming their places of worship as mosques and their call for prayer as *Azaan* and implementation of a death sentence for those who use derogatory language about Prophet Mohammad.⁴⁹

In February 1984, some *ulema* threatened to launch a nationwide anti-Ahmadi campaign if the government did not accede to their demands by April 1984. If the government did not demolish all Ahmadi mosques, it was announced, the *ulema* would be compelled to do so by themselves. The national MTKN and its local branches started holding local meetings in Punjab reiterating these demands. *Jang* (Rawalpindi) and *Nawa-e-Waqt* (Lahore) were two main national-level Urdu newspapers that devoted much space to the activities of the TKN. The large headlines that appeared here in April 1984 attest to these newspapers’ support for the movement.⁵⁰

The MTKN announced that a decisive meeting of all religious organizations and parties would be held on April 27 in Rawalpindi and would be presided over by Maulana Abdul Hakeem, a prominent leader of the MTKN. *Jang* and *Nawa-e-Waqt* reported on the preparations underway for the meeting. *Jang* reported on April 24 that “devotees of Prophet Mohammad will travel in large groups from all over the country to attend the conference.”⁵¹ On April 25, *Jang* reported on its front page that preconference meetings were being held to oversee the organization of the conference. On April 26, *Jang* reported that all preparations for the conference were complete. The very same day, Zia-ul-Haq promulgated

⁴⁹ *Ibid.*, 63–4.

⁵⁰ The following news headlines are indicative of *Nawa-e-Waqt*’s coverage of the movement: “Despite the 1974 Constitutional Decision, Qadianis Are Strengthening Their Roots”; “In an Ideological State, Permission Should Not Be Granted to Preach against Religion of Islam and Ideology of Pakistan” (*Nawa-e-Waqt*, Lahore, April 4, 1984); “Demand Made to Take Action against Qadianis for Distributing Provocative Pamphlets and Causing Muslims to Fight Amongst Themselves” (*Nawa-e-Waqt*, Lahore, April 4, 1984); and “If Qadianis Do Not Stop Their Proselytizing, Action Will Be Taken against Them” (*Nawa-e-Waqt*, Lahore, April 15, 1984).

⁵¹ *Jang*, Rawalpindi, April 24, 1984.

the 1984 Ordinance. While Bhutto in 1974 had attempted to neutralize the *ulema* by conceding to a religious movement that enjoyed wide social support, Zia-ul-Haq immediately met the demands of a religious movement that had a very narrow base.

POLITICS OF CRIMINALIZATION

Let us consider the politics behind promulgation of the 1984 Ordinance. I analyze this politics via two routes. I first draw on interviews conducted with close aides of Zia-ul-Haq who occupied central positions in his political regime. These accounts function to rescue the Pakistan state at this time from attributes of “coherence, unity, and absolute autonomy” that are routinely attributed to modern states at large.⁵² Furthermore, my investigations into the procedural aspects of promulgation of the 1984 Ordinance depict the ad hoc efforts of an authoritarian ruler’s measures to achieve cultural legitimacy for his rule. Second, I examine the state’s official narratives about the necessity of the 1984 Ordinance.⁵³

Explaining Criminalization: Silences and Contradictions

In 1984, Raja Zafar-ul-Haq held the position of Federal Minister of Information and Broadcasting and Religious Affairs. A lawyer by profession and a prominent Pakistan Muslim League politician, Zafar-ul-Haq is known for his conservative religious views. He subsequently served as the Minister of Religious Affairs from 1997 to 1999. During the course of a two-hour-long interview, Zafar-ul-Haq provided an extensive and candid account of both the immediate causes and the larger structural context within which the demands of the third anti-Ahmadiyya movement were met.⁵⁴ Zafar-ul-Haq maintained that the movement had been restricted to religious parties and despite the latter’s best efforts had not yet turned into a popular movement.

There is no denying that the common man didn’t take up the demand for 1984 legislation. There could be many reasons for this. One big reason could be that Zia was very close to religious parties, and the common man, secularists and moderates did not want to associate themselves with a movement that would strengthen Zia’s hold. That movement was confined to religious parties.

⁵² Mitchell (1991: 78).

⁵³ Mitchell (1999).

⁵⁴ Interview with Raja Zafar-ul-Haq, Islamabad, February 7, 2008.

Zafar-ul-Haq was forthcoming about both Zia-ul-Haq's unpopularity at that time and the narrow base of the anti-Ahmadiyya movement. The latter, however, was equipped to gather a riotous crowd. A large number of people had begun arriving in the twin cities of Islamabad and Rawalpindi. It was perceived that yet more would arrive to attend the MTKN conference to be held on April 27. At this point, "Zia . . . gathered people [movement activists], held talks with them and the ordinance, which had already been drafted but not implemented and thus did not have to be written anew, was taken out and implemented."

An interview with Syed Sharifuddin Pirzada, Minister of Law and Parliamentary Affairs when the 1984 Ordinance was promulgated, was equally revealing.⁵⁵ Pirzada claimed that both he and Ghulam Ishaq Khan, then Minister of Finance, had expressed reservations to Zia-ul-Haq about the 1984 Ordinance.⁵⁶ Zia-ul-Haq, however, had been "poisoned" by Minister of Information Raja Zafar-ul-Haq, Minister of Religious Affairs Mahmoud Haroon, and the religious lobby with which Zia-ul-Haq kept company. Pirzada denied that he took any part in the drafting of the 1984 Ordinance and maintained that he had been opposed to it. Zia-ul-Haq, according to Pirzada, had been motivated by political gains: "Zia was doing this more from the point that his constituency was the *mullas*. So he did it more from that point of view rather than any conviction."

That Zia-ul-Haq's perceived constituency was *petit-ulema* indicates that he accommodated the demands of the religious movement because he both desired cultural alliances with religious groups for political ends

⁵⁵ A lawyer by profession, who was also Jinnah's personal secretary, Pirzada's distinguishing trait in the minds of most Pakistanis is that he has served as the lawyer for all authoritarian rulers of Pakistan whose rule has been challenged as illegal and unconstitutional in Pakistan's High Courts. The list of Pirzada's clients includes military leaders Ayub Khan, Iskander Mirza, Zia-ul-Haq, and Pervaiz Musharraf. Democratically elected leaders Nawaz Sharif and Benazir Bhutto also have availed themselves of Pirzada's services when their edicts have been challenged in Pakistan's courts. Because of these services, Pirzada has been rewarded with highly prestigious posts in the state apparatus, including Attorney General of Pakistan (1965–6, 1968–71, and 1977–85), Foreign Minister of Pakistan (1966–8, 1993), and Minister of Law and Parliamentary Affairs (1977–85). See Jane Perlez's article on Sharifuddin Pirzada entitled, "On Retainer in Pakistan, to Ease Military Rulers Path" published in the *New York Times* on December 15, 2007.

⁵⁶ Interview with Sharifuddin Pirzada, Islamabad, March 12, 2008. At the time that I interviewed Pirzada, he occupied office space in the Secretariat in his capacity as the Honorary Senior Adviser to the Musharraf regime on Foreign Affairs, Law, Justice and Human Rights and held the status of Senior Federal Minister, posts he occupied from 2002 to 2008.

(politics of expediency) and feared the mobilization potential of these groups (politics of fear). Predictably, the promulgation of the 1984 Ordinance completely quelled the religious movement. The project of Islamization undertaken by Zia-ul-Haq to achieve cultural legitimacy for his rule inevitably opened up spaces for belligerent religious groups to direct cultural dimensions of state formation. Democratic logics such as pressure politics, the politics of fear, and the politics of expediency, whereby political leaders feel compelled to take into account preferences of key pressure groups in civil society, characterize this form of religious politics.

A striking aspect that crystallized during the course of my interviews was that politicians were reluctant to associate themselves with the 1984 Ordinance. This is more suggestive of the current discomfort with Zia-ul-Haq's policies that have led Pakistan toward unprecedented sectarian tensions than an indication of what transpired on the ground in 1984. A number of silences and contradictions, however, are suggestive of the fragmented nature of policy-making under Zia-ul-Haq.

For example, while Pirzada credited Zafar-ul-Haq with supporting the 1984 Ordinance, the latter maintained otherwise and held that he did not have knowledge about who had penned the 1984 Ordinance. He aptly pointed out that the Ministry of Law typically handled the drafting of such ordinances. In the case of 1984 Ordinance, Zafar-ul-Haq's impression had been that the draft had already been in existence since "it seems unlikely that as soon as people started gathering together and making the demand, a draft would materialize. So it must have already been in existence and then it was implemented." His suggestion was that the Council of Islamic Ideology had penned the 1984 Ordinance.

Other ministers from the Zia-ul-Haq era that I interviewed were also quick to distance themselves from any personal involvement with promulgation of the 1984 Ordinance. This transpired most clearly during my interview with Minocher P. Bhandara, the Zoroastrian Minister of Minorities in 1984.⁵⁷ He maintained that discrimination against religious minorities in Pakistan arose from their lower socioeconomic status. As a Zoroastrian, a prosperous religious community in Pakistan, neither he nor his community faced discrimination. The Ahmadis, however, were an exception and, along with Christians, the most "vulnerable" of all minorities. When I broached the subject of the 1984 Ordinance, Bhandara concluded the interview by saying, "I had nothing to do with this." During

⁵⁷ Interview with Minocher P. Bhandara, Rawalpindi, April 10, 2008.

my interview with the Chairman of the Council of Islamic Ideology Dr. Khalid Masud, I posed a question about the council's role in the drafting of the 1984 Ordinance.⁵⁸ While Dr. Masud was very forthcoming about his personal views about the religious status of Ahmadis, he was reluctant to address my question.

None of the preceding accounts can be regarded as authoritative because all the interviewees plainly attempted to distance themselves from the 1984 Ordinance. We also should note that it is highly unlikely that the Ministry of Law and the Council of Islamic Ideology were uninvolved in the drafting of the 1984 Ordinance. The preceding narratives are more revealing with respect to the silences and contradictions that they bring forth. The following procedural questions remain ambiguous: who drafted the 1984 Ordinance? When was it drafted? Who supported it? Who opposed it? These silences and contradictions are striking because the 1984 Ordinance is a stark instance of Zia-ul-Haq caving in to the demands of the religious establishment. The reasons for promulgation of the 1984 Ordinance, in other words, are uncontested. The procedure of its promulgation, however, is characterized by a lack of transparency, attesting to an arbitrary process that resists narration. I suggest that it is precisely because this ordinance was not subjected to policy debates and was undertaken as a matter of expediency by an authoritarian leader through an executive order that questions about procedure provoke anxieties among political authorities of that time. This dimension thus draws attention to arbitrary procedures of policy formation under authoritarian rule.

A comparison with enactment of the SCA in 1974 is highly suggestive. The processes leading up to the SCA were ostensibly hidden from the public view. The deliberations of the National Assembly were held in camera and were made public after a long hiatus. The Samdani Report was neither made available to the National Assembly during its deliberations nor has it been released to the public yet. However, there is a dominant narrative about the SCA that centers on notions of democracy and Pakistan's Islamic national identity. In this narrative, enactment of the SCA constitutes a moment of a democratic decision making expressing the will of the Pakistan's Muslim majority. Consequently, political actors from the 1974 National Assembly such as the speaker of the National Assembly Sahabzada Farooq Ali continue to endorse the SCA because of its procedural aspects. The situation is markedly different for the 1984

⁵⁸ Interview with Khalid Masud, Islamabad, April 14, 2008.

Ordinance. State actors from the Zia-ul-Haq era are intensely conscious that this ordinance was a product of an executive order issued by an authoritarian ruler. As we will see next, the Pakistani state itself felt acute anxiety over promulgation of the 1984 Ordinance and adopted a justificatory narrative that explicitly constructs Ahmadis as traitors to Pakistan.

Justifying Criminalization: The Enemy Within

Following promulgation of the 1984 Ordinance, the government of Pakistan issued a pamphlet entitled, "Qadianis: Threat to Islamic Solidarity ... Measures to Prohibit Anti-Islamic Activities." The aim was to advance the Pakistani state's reasons for promulgating the ordinance. The "state effect" was the production of a coherent narrative about the state's reasons for criminalizing the Ahmadiyya community. The pamphlet is striking for its total and unapologetic adoption of anti-Ahmadi narratives that historically have been the preserve of *ulema*.

In addition to highlighting the theological differences between Ahmadis and non-Ahmadis, it portrays Ahmadis as a "subversive movement" that historically has been in "close cooperation with the colonial powers." It further constructs the Ahmadiyya movement as the internal enemy to Islam.

Modern researches have established that it was at the instigation of the colonialists that the scheme was prepared and the master minds of the scheme were fortunate enough in finding out in the shaky personality of Mirza Ghulam Ahmad Qadiani their prospective "apostilic prophet" who would undertake the mission of undermining the religious integrity and intellectual solidarity of the Muslim Ummah.⁵⁹

The Ahmadiyya community is labeled a "heretical order" that seeks to deploy an Islamic identity to undermine the unity of the Muslim *ummah*. The state of Pakistan is devoted to unearthing these "goals" and exposing the community:

The Qadiani movement is all the more pernicious since it seeks to operate surreptitiously from within the fold of Islam despite its clear status to the contrary, by virtue both of the law that prevails in Pakistan and the Qadiani community's own dissociation from the Muslim Ummah. Muslims the world over need to be fully

⁵⁹ Government of Pakistan (1984: 9).

aware of the origin, the goals and the activities of this heretical order. The government and the people of Pakistan continue their efforts to decisively isolate them from the Community of Islam to which they do not belong.⁶⁰

The pamphlet concludes by rendering the Ahmadiyya community an existential threat to the Pakistani nation-state:

The most sinister conspiracy of the Qadianis after the establishment of Pakistan was to turn this newly Islamic state into a Qadiani kingdom subservient to the Qadiani's pay masters. The Qadianis had been planning to carve out a Qadiani State from the territories of Pakistan.⁶¹

The adoption of this narrative about Ahmadis that explicitly situates them as heretics constitutes a radical departure from preceding official narratives. State authorities had thus far refrained from explicitly endorsing anti-Ahmadi polemics popularized by religious bodies such as the MTKN, drawing instead on distinct notions of religion and national identity to render ideological justifications for declaring Ahmadis non-Muslim. The publication of this official pamphlet is suggestive of Pakistani state's anxiety that a nationalist discourse equating the Pakistani nation-state with Islam, as had been adopted during enactment of the SCA, was inadequate for justifying the indiscriminate criminalization of an entire religious community on the grounds of the latter's religious beliefs. Enactment of the SCA had been narrated as a moment of democratic triumph for a Pakistani Muslim nationalism. The state-sanctioned narrative contained in the present pamphlet justified criminalization of Ahmadis by situating them as the heretical enemy within Pakistan, waiting to strike and destroy both Pakistan and the Muslim *ummah*. The Ahmadiyya community's drift toward what I have characterized as partial statelessness was accelerated via this narrative, although, as we will see in Chapter 5, Ahmadis will yet mobilize courts to resist this movement by invoking their citizenship rights.

UNSETTLING ISLAMIZATION

Because Zia-ul-Haq's "Islamic" laws were imposed by an authoritarian regime via an executive ordinance, they generated active debates and contestations in the public sphere over minority rights and national

⁶⁰ *Ibid.*, 5.

⁶¹ *Ibid.*, 24–5.

identity. Such debates, however, have largely gone unnoticed.⁶² In the scholarly literature on Pakistan, discussions of *political* resistance to Zia-ul-Haq's rule are focused primarily on the Movement for the Restoration of Democracy, those of *social* resistance on the vibrant women's movement, in particular, the Women Action Forum that was formed in 1981,⁶³ and of *civil society* resistance on the formation of the Human Rights Commission of Pakistan in 1987. My aim in this section is to highlight more mundane and everyday forums of criticism in which ordinary literate citizens participated.⁶⁴

My analysis demonstrates the simultaneous presence of multiple positions on the ideal relationship between Islam and Pakistani national identity and the absence of an official ideology able to mediate between these different positions. The public debates analyzed in this section also demonstrate the failure of Zia-ul-Haq's project of Islamization to garner consensus about the fundamental norms that ought to govern state-religion relations. The 1984 Ordinance was scrutinized on both secular and Islamic grounds, suggesting the unsettled nature of Zia-ul-Haq's attempts at providing an authoritative response to the question of official religious ideology.

In Praise of the Ordinance

Nearly every national-level newspaper enthusiastically welcomed the 1984 Ordinance, including those that subsequently gave space to critics of the 1984 Ordinance. Given Zia-ul-Haq's regime's strict controls of the media, this consensus suggests that perhaps newspaper editors were operating under pressure from state authorities and were apprehensive of openly criticizing the 1984 Ordinance. For example, the *Pakistan Times* proclaimed, "Ordinance Widely Welcomed." The text that followed reveals that only prominent religious leaders congratulated Zia-ul-Haq on it.⁶⁵ An editorial that appeared two days later termed the 1984 Ordinance "a welcome measure" and a "logical conclusion" of the SCA but cautioned against the potential for abuse of rights of religious minorities and

⁶² The Human Rights Commission of Pakistan, an independent body formed in 1987 by leading human rights activists in Pakistan, has been committed to documenting human rights abuses committed against the Ahmadis.

⁶³ Rouse (1986).

⁶⁴ Criticisms of Zia-ul-Haq's policies generally appeared in English-language newspapers.

⁶⁵ *Pakistan Times*, Lahore, April 27, 1984.

the negative perceptions created about Pakistan in the international community by such ordinances.⁶⁶

Religiously conservative Urdu dailies, notably *Mashriq* (Lahore), *Imroze* (Lahore), *Nawa-e-Waqt* (Lahore), and *Jang* (Rawalpindi), were the most vocal enthusiasts and supporters of the 1984 Ordinance. *Mashriq* termed the ordinance "A Memorable Achievement."⁶⁷ *Nawa-e-Waqt* proclaimed it "A Late Enactment but a Correct Enactment."⁶⁸ *Imroze* called it an "Incredible Service to Islam."⁶⁹ *Jang* praised it as "A Timely Step."⁷⁰

Ordinary literate citizens sent in letters to newspaper editors in praise of the ordinance. One Sarfaraz Hussain welcomed the ordinance and maintained that the Ahmadiyya movement had linkages not only with the British colonial state but also with Zionism and "international Capitalism and Imperialism."⁷¹ I. H. Hassan defended the ordinance by claiming that it would function to protect the position of Ahmadis in Pakistan because Muslims now stand satisfied. Furthermore,

The Ordinance does not in any way infringe the rights of the Ahmadis. They have only been prevented from making inroads into Islam by anti-Islamic and provocative activities. If the Ahmadis consider this Ordinance cool-heartedly and dispassionately they will also come to the conclusion that it is ultimately in their wider interest.⁷²

Not surprisingly, the 1984 Ordinance gave impetus to the religious establishment to articulate yet more anti-Ahmadi demands. For example, a religious leader suggested that the government should impose restrictions on Ahmadis from using Muslim names.⁷³ An MTKN representative demanded that the government impose *jizya* tax, a tax reserved for non-Muslim minorities in Islamic law, on Ahmadis.⁷⁴ Another demanded that Ahmadiyya literature should be confiscated by the state and all Ahmadis removed from government posts.⁷⁵ A local *imam* (prayer leader) in the city of Nankana Sahib suggested that all Ahmadi mosques should be

⁶⁶ *Ibid.*, April 29, 1984.

⁶⁷ *Mashriq*, Lahore, April 28, 1984.

⁶⁸ *Nawa-e-Waqt*, Lahore, April 28, 1984.

⁶⁹ *Imroze*, Lahore, April 28, 1984.

⁷⁰ *Jang*, Rawalpindi, April 28, 1984.

⁷¹ *The Muslim*, Islamabad, May 27, 1984.

⁷² *Ibid.*, April 29, 1984.

⁷³ *Mashriq*, Lahore, April 30, 1984.

⁷⁴ *Ibid.*, May 6, 1984.

⁷⁵ *Imroze*, Lahore, May 21, 1984.

handed over to the MTKN.⁷⁶ Other suggestions included changing the name of the city of Rabwah, which had been named by the leaders of the Ahmadiyya community who founded the city.⁷⁷ It was also suggested that “Qadiani boxes” be inserted in national identification cards, passports, and educational certificates.⁷⁸ I. H. Hassan advocated that the 1984 Ordinance be taken a step further by prohibiting “Qadianis” from using the Muslim word “Ahmad” in their self-descriptions.⁷⁹

Although these demands were not formalized in a unified movement, they indicate that the 1984 Ordinance opened up considerable public space for articulations of a distinct notion of Islamic statehood premised on the idea that the polity attains piety by calling out the impious. From this perspective, the Islamic state is consolidated through differentiating and marking non-Muslims, such as, for example, via the *jizya* tax, and by purifying the sacred public space of the Muslim polity from pollutants such as heterodox literature.

The Liberal Critique

The 1984 Ordinance was vocally criticized by a number of prominent politicians, intellectuals, and ordinary citizens on purely liberal secular grounds. The most outspoken critic of the 1984 Ordinance was Chaudhry Aitzaz Ahsan, a lawyer, human rights activist, and PPP politician. Through his criticisms of the 1984 Ordinance, Ahsan upheld a liberal democratic political order for Pakistan. Ahsan maintained that the 1984 Ordinance sanctioned arbitrary state interference in the private lives of citizens and was aimed at “diverting [the] attention of people from democracy and the basic issue that martial law must be withdrawn and elections held in the country.”⁸⁰ Ahsan charged that the government was deliberately instigating sectarianism in an attempt to deflect the democratic aspirations of the people. Ahsan also intoned that the majority of the Pakistani people were opposed to the 1984 Ordinance but were afraid to speak out against it.

⁷⁶ *Nawa-e-Waqt*, Lahore, May 5, 1984.

⁷⁷ *Ibid.*, May 10, 1984. The name change of Rabwah to Chenab Nagar did take place in 1999 through a Punjab Assembly resolution. See www.persecutionofahmadis.org/channel-of-name-of-rabwah/ (accessed February 14, 2014).

⁷⁸ *Mashriq*, Lahore, May 13, 1984.

⁷⁹ *The Muslim*, Islamabad, April 29, 1984.

⁸⁰ *Ibid.*, May 3, 1984.

The Bar Association of the Lahore High Court passed a resolution expressing its dissatisfaction with the ordinance.⁸¹ Chaudhry Rehmat Ali Alvi, a Muslim League politician, also criticized the ordinance for interfering in the private lives of citizens and argued that the ordinance was a complete disavowal of the Pakistan envisioned by Jinnah.⁸² Pir Ghaus Baksh Bizenjo, one of the most prominent politicians from Baluchistan and leader of the Pakistan National Party, demanded that the government revoke the ordinance, while Khan Abdul Wali Khan, leader of National Awami Party, declined to comment on the ordinance.⁸³ Sherbaz Khan Mazaari, who had actively supported enactment of the SCA in the 1974 National Assembly, also criticized the 1984 Ordinance.

During this time, the *ulema* served as watchdogs, calling out these responses as being contrary to both religious and national sentiments. When Naseem Wali Khan, another politician, criticized the 1984 Ordinance, she was labeled "basically irreligious" by the *ulema*.⁸⁴ In other words, the *ulema* were openly hostile toward politicians who were critical of the 1984 Ordinance and characterized these critics as devoid of religious fervor and nationalist sentiments.

An ardent debate was generated by a series of editorials that appeared in *The Muslim*, an English-language daily newspaper published in Islamabad. Owned by minority Shais, *The Muslim* routinely cast its critical gaze on Zia-ul-Haq's policies and formed an important venue of debate. In its first post-ordinance editorial, *The Muslim* termed it "a positive step" because it was "necessitated" by the SCA and because "it clearly underlines the lacuna and the dichotomies on an issue which agitates the people's minds."⁸⁵ The editorial nonetheless expressed some reservation toward the ordinance on grounds that it was promulgated by an executive order and not via "a mass-oriented, democratic process, which springs from the grass roots." This obfuscated whether the ordinance enjoyed "the consensus of scholars and personages from all schools of Islamic thought." A subsequent editorial recanted from its earlier reservations by now stating that the ordinance reflected Jinnah's vision of a Muslim state and that its "real importance is that it enjoys the

⁸¹ *Imroze*, Lahore, May 18, 1984.

⁸² *The Muslim*, Islamabad, May 4, 1984.

⁸³ *Mashriq*, Lahore, May 3 and May 5, 1984.

⁸⁴ *Nawa-e-Waqt*, Lahore, May 10, 1984.

⁸⁵ *The Muslim*, Islamabad, April 29, 1984.

consensus of *Ulama* of all schools of thought and has the writ of the Muslim masses behind it.”⁸⁶

The editor’s turnabout did not go unnoticed by *The Muslim*’s readers. Naseem Iqbal wrote

It has shattered the image I had of “The Muslim” as a champion of democracy and an exponent of human rights. Please say you wrote it under compulsion or for some expediency such as obtaining a few government ads.⁸⁷

She further accused *The Muslim* of “tread[ing] the line of government controlled newspapers.” Similar sentiments were echoed by “Pro Bono Publico,” who lamented that with these editorials, “the last voice of freedom, a fresh gush of breeze, in this taboo-ridden choked society has been strangled, intimidated or God-forbidden sold out.”⁸⁸ The editorials and these responses point to a culture of fear and state repression within which these debates were carried out.

Other readers questioned the editorials’ twin contentions that the 1984 Ordinance would have met Jinnah’s approval and that it reflected the consensus of *ulema* and Pakistanis alike. Kamran Shafi initiated the debate by expressing his “shock” and “dismay” over the second editorial, especially its positing of Jinnah as a nonsecularist. Shafi also questioned the claim that the 1984 Ordinance represented a consensus of *ulema* from different schools of thought. He reminded the editor that *ulema* had opposed the movement for Pakistan. Shafi thus challenged the notion that *ulema* opinions mattered for the purposes of making national policies. Finally, Shafi questioned the contention that the ordinance represented the wishes of the people. The state, he maintained, had not conducted a referendum or opinion poll on the issue. He concluded by terming the ordinance “the very essence of intolerance.”⁸⁹ Mian K. A. Rauf echoed similar sentiments, maintaining forcefully that Jinnah had not endorsed a “theocracy” in Pakistan.⁹⁰

Some contributors questioned the notion that Ahmadis were the internal enemy of Islam and Pakistan. One person demanded evidence about the supposed anti-Muslim and pro-Zionist activities of Ahmadis.⁹¹ Another, Roshan Zamir, recalled the trust placed by Jinnah in appointing

⁸⁶ *Ibid.*, May 4, 1984.

⁸⁷ *Ibid.*, May 25, 1984.

⁸⁸ *Ibid.*, May 28, 1984.

⁸⁹ *Ibid.*, May 9, 1984.

⁹⁰ *Ibid.*, June 4, 1984.

⁹¹ *Ibid.*, June 5, 1984.

Zafrullah Khan as Pakistan's first Foreign Minister. Zamir argued that religious differences were "a blessing as they keep the religious fervour alive [*sic*]" and that the government should not favor one interpretation of Islam over others.⁹² Alamzeb Khan posed a hypothetical situation whereby non-Ahmadi Muslims were declared non-Muslim in an Ahmadi-majority country, in essence pointing to the tyranny of the majority implicated in the state's criminalization of Ahmadis. He also pointed out that the *ulema* had been opposed to the Pakistan Movement, while the Ahmadis had supported it.⁹³ Basharat Qadir posed the following rhetorical question: "How many of us would stand up for the Ahmedis with Voltaire's words when he says 'I disagree with all you say but will defend to death your right to say it'?" Qadir responded with a pessimistic response of "few I fear."⁹⁴ One contributor to the debate drew the government's attention to Article 18 of the UN Universal Declaration of Human Rights that upholds religious freedoms.⁹⁵

Ahmadis too took part in this debate. Majeed polemically intoned that he would be willing to renounce his faith if someone could convince him of which of the seventy-two different interpretations of Islam currently in practice should he convert to.⁹⁶ Roshan Zameer contested dominant narratives about the history of the Ahmadiyya faith, arguing that anti-Ahmadi demands had historically functioned in Pakistan as strategic ploys "to harass and topple the established government of [the] time by creating law-and-order problems."⁹⁷

In short, a number of criticisms of the 1984 Ordinance upheld norms of democracy, religious tolerance, freedom, and equality on purely secular grounds.

The Islamic Critique

Another recurrent theme that emerges from a perusal of newspapers is the question of whether the 1984 Ordinance was justifiable on Islamic grounds. In a letter to the editor of the *Pakistan Times*, Anwar Saleem narrated an incident whereby, as held by Saleem, Prophet Mohammad had praised the "sweet voice" of a Jewish boy who he found reciting the

⁹² *Ibid.*, May 13, 1984.

⁹³ *Ibid.*, June 10, 1984.

⁹⁴ *Ibid.*, June 5, 1984.

⁹⁵ *Ibid.*, June 11, 1984.

⁹⁶ *Ibid.*, June 2, 1984.

⁹⁷ *Ibid.*, June 7, 1984.

words of *Azaan*. He requested the boy to recite the *Azaan* louder, to which the boy obliged. Saleem deployed this incident to critique the 1984 Ordinance from an Islamic ethical standpoint. He questioned the 1984 Ordinance's premise that Islamic practices such as reciting *Azaan* were prohibited to non-Muslims and became "un-Islamic" when undertaken by them.⁹⁸

Alamzeb Khan, who we encountered earlier, maintained that of all modern faiths, Islam permitted the greatest freedom to minorities to practice and preach their religions. Khan further drew out a contradiction in existing laws. On the one hand, Ahmadis were guaranteed the constitutional freedom to practice their own religion, which enjoined them to follow Islam. On the other hand, Ahmadis were criminalized by the 1984 Ordinance for practicing their religion. Khan asked: "What should they [Ahmadis] do now? Can the *ulama* issue a new 'Holy Book' for them?"⁹⁹

A. J. Akbar argued that the Quran and the *Sunnah* of Prophet Mohammad did not lend credence to the views propagated by the 1984 Ordinance. The Islamic tradition, he argued, supported the view that any person who referred to himself or herself as a Muslim was indeed a Muslim. Akbar also raised the issue of whether there were Islamic justifications for prohibiting non-Muslims from using "Islamic" practices, arguing that supposedly Islamic terms such as *masjid* were routinely used by non-Muslims in Prophet Mohammad's days.¹⁰⁰ S. Saadi termed the ordinance "a matter of disgrace not only to the citizens of Pakistan but also to our religion, Islam, which we believe is a perfect code of like for mankind."¹⁰¹ Mustafa Kamal invoked Prophet Mohammad's tolerance toward religious minorities and stated that the Quran did not give anyone authority to call another a heretic when that person claims to be a Muslim. He maintained that Prophet Mohammad had "categorically stopped Muslims from calling anybody a Kafir or harming him physically on suspicion."¹⁰²

The position that the 1984 Ordinance was un-Islamic and contravened basic Islamic ethics was a powerful motif that emerged in the criticisms levied against it.

⁹⁸ *Pakistan Times*, Lahore, May 23, 1984.

⁹⁹ *The Muslim*, Islamabad, June 10, 1984.

¹⁰⁰ *Ibid.*, May 24, 1984.

¹⁰¹ *Ibid.*, June 2, 1984.

¹⁰² *Ibid.*, June 15, 1984. These Islamic critiques of the 1984 Ordinance did not go unchallenged. For example, Bashir Ahmad repeated the now-familiar argument about the Finality of Prophethood and the Ahmadi position that non-Ahmadis were non-Muslim (*Ibid.*, May 18, 1984).

CONCLUSION: AFTER CRIMINALIZATION

This chapter has examined the politics of criminalization of Ahmadiis. Forming the third historical moment in the genealogy of Pakistani state's relationship with the Ahmadiyya community, this policy of criminalization indicates that the search for a viable Muslim nation-state continued under the Zia-ul-Haq regime and proceeded in conjunction with institutional and cultural struggles in the political field. Zia-ul-Haq sought cultural legitimacy for his authoritarian rule by undertaking a program of Islamization of the Pakistani state and society. This opened up spaces for belligerent religious groups to launch anti-Ahmadiyya demands, which the state acceded to almost immediately. In 1974, the *ulema* discovered that they could effectively pursue their religious goals in the political field. By 1984, they had become more adept at this, increasing their penetration of that field. My analysis of the promulgation of the 1984 Ordinance throws light on the dynamics of religious policy-making under authoritarian rule in the context of this penetration. Zia-ul-Haq was ultimately unable to quell either the anti-Ahmadi religious movement or the surge of criticisms of the 1984 Ordinance.

A historian of Zia-ul-Haq's regime has argued that "by imposing Islamic laws from above, Zia may have saved Pakistan from a fundamentalist revolution from below like the one that took place early in his tenure in neighboring Iran. Internally Zia's most lasting contribution could be resolving the issue of the role of Islam in the state."¹⁰³ Zia-ul-Haq's project of Islamization did, we can posit counterfactually, prevent Pakistan from undergoing the revolutionary route. We can also concede that it succeeded in providing a powerful response to the unsettled question of state-religion relations in Pakistan. However, it stands to reason whether the question has been authoritatively resolved because Zia-ul-Haq's policies continue to generate opposition from human rights organizations, women's groups, politicians, public intellectuals, and citizens in Pakistan.

Notwithstanding this continued opposition, a profound effect of the trajectory of state desecularization in Pakistan, characterized by official religious nationalism, is that it has significantly constricted the range of national debates about Islam. Let us briefly turn to the text of the 1984 Ordinance. This ordinance added two sections (298B and 298C) to the Pakistani Penal Code. The first section stipulates that the use of "epithets,

¹⁰³ Azfar (1991: 79).

descriptions and titles, etc., reserved for certain holy personages or places” such as *Azaan* (call to prayers) and *Masjid* (mosque) is reserved for “Muslims” and “misuse” by Ahmadis is liable to punishment by fines and imprisonment. The second section criminalizes any Ahmadi who refers to herself or himself as Muslim, who “preaches or propagates” her or his faith or “in any manner whatsoever outrages the religious feelings of Muslims.”¹⁰⁴ The latter highly amorphous phrase seeks to provide a rationale for the ordinance within the text of the ordinance itself. By elevating the sentiments and “religious feelings” of the putative Muslim Pakistani citizen, this law deferred to religious actors such as the MTKN who claim to know the sentiments of Pakistani Muslims.

The crucial issue is that by their presence within official legal codes, laws such as the 1984 Ordinance become pivotal in *shaping* religious sensibilities about “Islamic” laws. In other words, once laws such as the 1984 Ordinance enter the lexicon of “Islamic laws,” they begin to shape popular perceptions about Islamic norms and ethics. Furthermore, the continual success of religious movements to make claims on the state has entrenched belligerent repertoires of contention within the political field, thereby making political authorities susceptible to pressure politics. We have observed that religious groups have strategically deployed this politics of pressure across regime types, including Bhutto’s electoral democracy and Zia-ul-Haq’s authoritarian regime. Religious parties and groups in Pakistan have been successful at engaging in political claims making independently of the political regime in place, thereby splintering the supposed connections between democracy, political parties, and political claims making.¹⁰⁵ The effect of this splintering is that religious parties have shaped cultural dimensions of state formation across regime types in Pakistan. That it is a religious minority that has been the primary site of the exercise of this agency can be attributed ultimately to the close linkages between nation formation and exclusion of religious minorities that we analyzed in Chapter 2 and that have subsequently shaped the trajectory of desecularization in Pakistan.

Internationally, the regime of Zia-ul-Haq is largely remembered for its Afghanistan policy, in particular, Pakistan’s alliance with the United States to combat the Soviet presence in Afghanistan through the creation and support of the Taliban.¹⁰⁶ Domestically, the Pakistani state policies of

¹⁰⁴ Ibid., emphasis mine.

¹⁰⁵ Zaidi (2011).

¹⁰⁶ Rashid (2000).

expedient alignments with militant sectarian and *jihadi* groups during the second half of the 1980s to fight its proxy wars in Afghanistan and Kashmir have deeply infused Pakistani society with internal sectarian differences.¹⁰⁷ This transformation *alongside* national discriminatory laws continues to haunt political authorities attempting reform of “Islamic” laws instituted during the Zia-ul-Haq era. Thus, while neither the Musharraf or the Zardari regime (2001–8 and 2008–13, respectively) openly endorsed Zia-ul-Haq’s project of Islamization, the trajectory of desecularization analyzed in this book, as well as other factors such as the influence of Wahhabi Islam, funding (often through foreign sources) for ultraconservative *madrassas*, and considerable evidence of widespread social intolerance of religious difference continue to hinder state efforts at curbing sectarian violence, whose targets now include Ahmadis, Ismailis, Shias (particularly Hazaras), Hindus and Christians.

The rise of sectarian violence can be explained by Muhammad Qasim Zaman’s apt observation the Ahmadi question has entrenched “a sectarian discourse by forcefully raising, and keeping alive, such questions as who a Muslim ‘really’ is (irrespective of one’s own claims in that regard) and what position a Muslim (and those who are not Muslim, or are not recognized as such) has in that state.”¹⁰⁸ The successful opposition of the *ulema* toward the Ahmadiyya community has served the role of “sectarian upbringing” and radicalization of prominent leaders of both Sunni and Shia militancy in Pakistan. For example, many of the leaders of the *Sipah-i-Sahaba*, a militant Sunni organization known for its central role in anti-Shia violence, among other things, began their careers agitating against the Ahmadis.¹⁰⁹

The dominance of a very particular form of religious politics that is informed by the religious identity of the state, monopolized by belligerent religious groups, and consolidated via exclusion of both minority and dissenting voices remains a defining feature of desecularization processes in Pakistan. The pressing issue, unfortunately, is not which interpretations of Islam should hold sway but whether interpretations conflicting with those favored by mainstream orthodox religious groups can even be undertaken in the public sphere. This becomes increasingly visible when we note that Javed Ghamdi, a “liberal” public religious authority, felt compelled to leave Pakistan because of threats from conservative religious

¹⁰⁷ Haqqani (2005); Hussain (2008).

¹⁰⁸ Zaman (2002: 114).

¹⁰⁹ *Ibid.*

groups. More strikingly, militants have assassinated prominent politicians Salman Taseer and Shahbaz Bhatti because they levied vocal criticisms of blasphemy laws in the public sphere.¹¹⁰ And finally, we may return to the opening anecdote of this book and recall that Nawaz Sharif was condemned by mainstream Islamist parties for sympathizing with the Ahmadis after the 2010 attacks on Ahmadi mosques.

These episodes attest to the unsettled nature of state–religion relations in Pakistan that have yet to yield a concrete official ideology that can provide basic norms for guiding religious politics. Furthermore, these episodes also illustrate the deep entrenchment of the politics of fear and the monopolization of religious politics by increasingly militant groups.¹¹¹ These political realities are not reducible to the Cold War politics of the Zia era or to post-9/11 escalation of militant religious violence in Pakistan. Instead, the roots of desecularization extend back to the very foundational moment of Pakistan’s impending statehood.

With this concluding discussion of the trajectory of desecularization defined by the three moments of accommodation, exclusion, and criminalization of the Ahmadiyya community, I will turn to an analysis of the relationship between courts, the political field, and the Ahmadi question in the final chapter of this book. This chapter depicts the ability of religious actors, both Ahmadis and *ulema*, to use the constitutional-legal apparatus of the state to advance their claims about the religious rights of Ahmadis. Ultimately, however, the courts followed dynamics in the political field and opted to uphold the Pakistani state’s exclusionary policies toward Ahmadis.

¹¹⁰ Saeed (2013).

¹¹¹ This is not to suggest that religious groups and Islamist parties have remained static during this time. The religious establishment in Pakistan is a heterogeneous assemblage that has undergone significant transformations, as a consequence of both domestic shifts and geopolitical and global factors such as the Cold War and America’s “War on Terror.”

Courts and the Minority Question

Thus far I have analyzed the trajectory of unsettled desecularization in Pakistan by focusing on the state's policies of accommodation, exclusion, and criminalization of Ahmadis. This chapter tells a parallel story of the impact of this trajectory on jurisprudence on religious rights of Ahmadis. I address the following questions: How have courts responded to the state's official religious nationalism? How have dynamics within the political field that we analyzed in the preceding chapters affected judicial outcomes?

This chapter demonstrates that Pakistani courts have constituted a central site in which different state and social actors have sought to legitimize their notions about state-religion relations, national identity, and Islamic norms. The Ahmadi question, as we now know, has been critically entangled with positive law in Pakistan. The primary contentious issue has been *if* and *how* to mobilize the force of positive law to turn the Ahmadi/non-Ahmadi religious distinction into a non-Muslim/Muslim political distinction. This contestation has entailed an engagement with the broader question of the boundaries between what ought to be subject to positive law and what ought to be exempt from the legal penetration of the state. My narrative thus far has focused on how various official responses to this question, encapsulated in distinct policy outcomes toward Ahmadis, have been embedded in the political field in Pakistan. In this chapter I will proceed to legal contestations over the interpretation of these laws inside Pakistani courts.

An analysis of the place of courts in political struggles over the Ahmadi question is integral to fully understanding the specific trajectory of desecularization defined by official religious nationalism in Pakistan. Law is

not simply a technology of governance and an apparatus of the state's exercise of symbolic power. It also forms a powerful social imaginary and provides a shared language that enables mutual interactions and contestations over salient political and cultural issues. As Pierre Bourdieu argues, the legal field is the site of competition over the right to determine the law.¹ It is the space in which various social conflicts and divisions are converted into "juridically regulated debate between professionals acting by proxy." The trial is the "paradigmatic staging of the symbolic struggle inherent in the social world: a struggle in which differing, indeed antagonistic world-views confront each other."² Central to this symbolic struggle is "the power of naming" and the "monopoly of the power to impose a universally recognized principle of knowledge of the social world."

In Pakistan, courts have been a site of struggle among Ahmadis and non-Ahmadis over the legality and interpretation of discriminatory laws against Ahmadis. For example, after Ahmadis were constitutionally declared non-Muslim, a group of non-Ahmadi Muslims sought to restrict Ahmadis from engaging in Islamic practices by petitioning local courts. The issue ultimately reached the Lahore High Court, which deemed such measures unlawful. Then, in 1985, Ahmadis challenged the 1984 Ordinance in the newly established Federal Shariat Court of Pakistan on the grounds that it violated Islamic law. This petition was denied. Ahmadis subsequently challenged the 1984 Ordinance in the Supreme Court of Pakistan on the grounds that it violated Article 20 of the Constitution, which guarantees freedom of religion. Again, the Ahmadi petition was denied, making this "the only case in which the Supreme Court expressly restricted a constitutionally guaranteed right on the basis of Islamic law."³

The logic of struggle and competition over the legality and interpretation of laws about Ahmadis allow us to explain how and why Pakistani courts have come to privilege distinct legal narratives about Ahmadis. I argue that over time, Pakistani courts have adopted the Pakistani state's official religious nationalist discourses because of a process of religio-politicization of judiciary. Prior to promulgation of the 1984 Ordinance, courts enjoyed considerable relative autonomy and protected rights of Ahmadis as full citizens of Pakistan on the basis of both fundamental

¹ Bourdieu (1987: 817).

² *Ibid.*, 837.

³ Lau (2006: 119).

constitutional rights and egalitarian *sharia* norms. Personal interviews conducted with key legal actors demonstrate that this autonomy was subsequently eroded as jurisprudence on the rights of Ahmadis increasingly became aligned with mainstream anti-Ahmadi narratives propagated by *ulema* in the political field. Ultimately, courts were unable to shield themselves from majoritarian currents rife in the political field.

COURTS, POLITICAL FIELDS, AND THE RELIGION QUESTION

Pakistan has undergone considerable shifts in its political structure since independence in 1947, oscillating between military and democratic regimes. The Supreme Court of Pakistan has almost consistently endorsed authoritarian takeovers in a bid to retain a measure of independence.⁴ This has allowed courts, otherwise plagued by politicization through the arbitrary reach of executive authorities into judicial appointments, to serve “at once [as] the state’s conduits, commentators and critics.”⁵ Undoubtedly courts have upheld elite interests through a language of jurisprudence far removed from the vernacular of popular politics. However, they have also interacted with popular rights-based issues, directing cultural dimensions of state formation through jurisprudence. With respect to the Ahmadi question, both Ahmadis and *ulema* have used courts to advance their own cultural and religious understandings of citizenship rights despite a judicial legacy of protection of elite interests. Courts thus have figured powerfully in the political imaginaries of religious groups.⁶

In the Introduction, I analytically teased out two processes – *judicialization of religious politics* and *religio-politicization of the judiciary* – that describe the triangular relationship between courts, political fields, and the religion question. Both of these processes have been involved in state efforts to manage the Ahmadi question. First, the state adopted a policy of judicialization of anti-Ahmadi religious politics. Remember that judicialization of religious politics refers to the processes by which courts and judges come to shape official religious policies by interpreting the

⁴ See Newberg (1995) for a detailed examination of key court cases.

⁵ Newberg (1995: 12).

⁶ The role of courts in shaping, mediating, or resisting religious policies of the Pakistani state has remained remarkably underexamined. For the most part, existing work on the Ahmadi question has focused on analyses of legal narratives, bypassing the concrete political processes through which judges have become embedded in religious politics (e.g. Ahmed 2009b, 2010; Khan 2003; N. Khan 2005; Lau 2006; Lau n.d.; Mahmud 1995; Redding 2004).

relationship between religion and the state stipulated in constitutional texts. In the specific sphere of rights of religious minorities, judicialization entails the active creation of evolving jurisprudence by relatively autonomous judges on the rights of religious minorities. Such judicialization characterized the immediate postcolonial period and led to legal accommodation of religious rights of Ahmadis until the Zia-ul-Haq regime. Courts were empowered by state authorities to define the contours of the religious rights of Ahmadis precisely to shield them from hostile religious forces. Courts, in turn, elaborated highly robust legal narratives to accommodate Ahmadis within Pakistan's citizenship regime.

Judicialization of religious politics can lead to direct attempts at religio-politicization of the judiciary.⁷ If judges begin to pronounce legal outcomes and advance jurisprudence that is significantly at odds with dispositions of political authorities, the latter may attempt to limit the power of judges and make them responsive to the state's religious policies. My analysis attests to this and further demonstrates that such interventions make courts susceptible to external influences such as pressure groups and "public opinion."⁸ In what follows, I examine both of these processes.

JUDICIALIZATION OF THE AHMADI QUESTION

We saw in Chapter 2 that judicialization of the Ahmadi question was undertaken in 1954 to dislocate it from the political field. The decision to place the Ahmadi question in the Munir Inquiry Commission formed inside the Lahore High Court indicated a preference on part of state authorities to deflect the Ahmadi question away from a legislative and constitutional resolution that was being demanded by prominent elements within the anti-Ahmadi religious movement. This judicialization was also an outcome of the symbiotic relationship between the higher judiciary and the bureaucratic elite, who joined hands to undermine democratic politics in Pakistan.⁹ Finally, it reflected a strategy undertaken by the secular elite

⁷ Moustafa (2003); Shambayati (2004).

⁸ Redding (2004) has emphasized the importance courts gave to "local public opinion," undoubtedly antagonistic toward Ahmadis, in determining the religious rights of Ahmadis. In similar vein, Mahmud (1995: 43) has noted that in endorsing anti-Ahmadi laws, courts "capitulated before the ascendant forces of religious reaction."

⁹ Justice Munir provided legal rationales for both dissolution of the Constituent Assembly and Ayub Khan's coup. He subsequently wrote a book lamenting Pakistan's drift toward extremist Islam under Zia-ul-Haq (Munir 1980). For discussions of ideological and

with a distinct cultural vision defined by a colonial ethos of “civilizing” the masses.¹⁰ The accommodation of Ahmadis arose from this policy of judicialization of religious politics that made judges with secular preferences the authority for defining the place of Ahmadis within Pakistan’s citizenship regime.¹¹ The Munir Report acknowledged the importance of a Muslim identity for the newly formed Pakistani state but ultimately advocated a secular state, explicitly holding that “faith is a matter for the individual.”¹² As I discuss next, the issue of the rights of the Ahmadis remained a judicial one that began to be increasingly managed by courts through egalitarian *sharia* norms.

ISLAMIC NORMS AND JURISPRUDENCE

In earlier chapters we witnessed the various measures taken by constitution makers to integrate Islam into the framework of constitutional law. It is important to note that despite these measures, there has been no sustained effort to replace the legal system inherited from the British colonial state by an “Islamic” legal system to this day. The Objectives Resolution as well as the three constitutions of 1956, 1962, and 1973 paid nominal allegiance to Islamic principles through the “repugnancy clause” (no laws shall be introduced in Pakistan that are repugnant to Islam), “conformity clause” (efforts will be made to bring all laws of Pakistan into conformity with Islam), and formation of the Advisory Council of Islamic Ideology. The only body having the authority to introduce Islamic laws in Pakistan until Zia-ul-Haq’s regime was the Parliament of Pakistan. Until

cultural outlooks of Pakistan’s bureaucratic elites at this time, see Cohen (2004) and McGrath (1996).

¹⁰ The ideology of secularism bolstered British colonial ethos of hard-handed governance of “uncivilized” subjects. The continuing link between authoritarianism and illiberal secularism in postcolonial Pakistan was not lost on at least one contemporary Pakistani judge, A. R. Cornelius, incidentally a Catholic, who enjoyed a long and distinguished career in the Pakistani judiciary, eventually serving as the Chief Justice of Pakistan from 1960 to 1968. As Clark Lombardi explains, Justice Cornelius increasingly “came to believe that Islamization might be a necessary precondition for the reestablishment of the liberal rule of law in Pakistan” (Lombardi 2010: 649–91). Lombardi shows that Justice Cornelius was deeply troubled by the ease with which secular judges such as Justice Munir lent judicial support to authoritarian measures of the Pakistani executive as manifest in the dissolution of the Constituent Assembly in 1954 and the military coup of 1958. Justice Cornelius came to advocate a liberal Islamic democracy as a substantively democratic ideal for Pakistan. Also see Braibanti (1999).

¹¹ Lau (2006: 10–12).

¹² Lahore High Court (1954: 279).

that time, courts had no institutional relationship with Islamic law, with the exception of Muslim personal law, which was codified under colonial rule and regulates domestic issues related to marriage, divorce, and inheritance.¹³

The lack of an institutional relationship with Islam did not translate into the absence of a discursive relationship with *sharia* norms. Based on his intensive study of Pakistan's reported case laws, Martin Lau argues that since the late 1960s, courts in Pakistan have increasingly relied on principles of Islamic law.¹⁴ Before that, judges who tried to depart from "the inherited 'Western' legal mode were swiftly admonished" by senior activist judges such as Justice Munir.¹⁵ While there were some exceptions along geographic lines, the superior courts on the whole were peopled by judges trained in the Anglo-American tradition and had secular outlooks. Recourse to Islamic norms was "confined to a few discrete areas of law" such as family law.

Toward the end of the 1960s, judges began to increasingly invoke Islamic norms to supplement constitutional law. This orientation is visible in prominent court cases in the early 1970s in which a number of judges invoked Islamic law to question the constitutionality of Yahya Khan's military coup of 1969 and of laws introduced under his regime.¹⁶ The shift toward legal arguments invoking Islam was increasingly visible across legal issues and was facilitated by a number of strategies. Petitioners sometimes invoked the "repugnancy clause" to challenge specific state laws.¹⁷ At other times, judges themselves resorted to Islamic norms to arrive at judgments that resonated with the moral content of Islam, such as, for example, in areas dealing with sexual norms and propriety.¹⁸ Another legal instrument through which Islamic law entered judicial decision making was through the formula of "justice, equity and good conscience" that had been embedded in Indian law since British colonial

¹³ On the transformation of the place of religion within the legal system instituted by the British colonial state in India, see Kozlowski (1985).

¹⁴ Lau (2006: 10).

¹⁵ *Ibid.*, 10–12.

¹⁶ *Ibid.*, 13–20. Lau attributes the shift toward Islam to "a broader movement within the judiciary to use religious norms as a weapon against unconstitutional impositions of martial law" (16).

¹⁷ The "repugnancy clause" refers to a constitutional clause present in all three constitutions of Pakistan holding that no law repugnant to Islamic injunctions would be enacted and that all existing laws would be considered and amended in light of this provision (Lau 2006: 31–9; Kennedy 1992: 769–87).

¹⁸ Lau (2006: 36–9).

rule. This formula created space for residual law that had been conventionally filled by English common-law jurisprudence. In Pakistan in the 1960s, Islamic law was increasingly invoked via recourse to this formula.¹⁹

While the deployment of Islamic norms was strongly contingent on the issue at hand and the individual judge's preferences, an analysis of reported case laws in the 1960s suggests heightened judicial attempts at synthesizing constitutional law with Islamic norms, although this synthesis neither assumed an overarching coherence nor attained the level of ideological commitment on part of the Pakistani judiciary at large. There was thus an autonomous desecularization of jurisprudence that was detached from both the political field and state interests. As we will see next with respect to the Ahmadi question, this desecularization reflected an organic evolution of jurisprudence geared toward enhancing fundamental rights enshrined in the Constitution on the basis of *sharia* norms.

LEGAL ACCOMMODATION OF AHMADIS

The judicial policy of accommodation of Ahmadis was developed by means of a synthesis of constitutional law and *sharia* norms. For example, the Lahore High Court addressed the issue of the religious rights of Ahmadis in the case of *Abdul Karim Shorish Kashmiri v. The State of West Pakistan* (1969).²⁰ This case concerned a series of orders passed by the Punjab provincial government that banned the Urdu weekly journal *Chattan* from publishing any material "touching on the origin, prophecies, revelation or beliefs of any sect of Islam or on their comparative merits of status, by way of news, views, comments or in any other form whatsoever."²¹ These orders were a response to the anti-Ahmadi literature published in the pages of *Chattan*, whose editor, Abdul Karim Shorish Kashmiri, was an Ahrari.

These orders were passed in April 1968 "for the purpose of securing the maintenance of public order" and were issued under Article 30 of the 1962 Constitution that gave the President the power to proclaim an emergency under conditions of external threat (war) or "internal disturbances beyond the power of a Provincial Government to control." President Ayub Khan had proclaimed an emergency in September 1965

¹⁹ *Ibid.*, 39–45.

²⁰ PLD 1969, Lahore 289.

²¹ *Ibid.*, 295.

during the Pakistan–India war, and the emergency was still in effect in 1968. In *Kashmiri*, the petitioners challenged these orders on a number of grounds, including the legality of drawing on emergency provisions at a time when Pakistan was not at war, that the content of *Chattan* did not constitute a threat to domestic security and peace, and that the orders violated the constitutional guarantee of liberty to profess and propagate religion.

For our purposes, two elements of legal reasoning are especially noteworthy: the court's articulation of the constitutional limits to freedom of religious expression and the court's deployment of *sharia* norms. *Kashmiri* brought to the fore two competing visions of citizenship rights, one reflected by Agha Shorash Kashmiri, a highly prominent Urdu journalist and public orator devoted to the cause of getting Ahmadis declared non-Muslims,²² and the other shaped by judges of Pakistan's superior courts. In his judgment, Justice Muhammad Gul noted that the Constitution guaranteed freedom of religious expression "subject to law, public order and morality" and that limitations on *Chattan*'s content were based on this qualification.²³ He further noted that the petitioners based their arguments on the premise that Ahmadis lay outside the fold of Islam and that the petitioners' right to say so was guaranteed by the Constitution. However, he maintained that such an argument "overlooks the fact that Ahmadis as citizens of Pakistan are also guaranteed by the Constitution the same freedom to profess and proclaim that they are within the fold of Islam." Justice Gul also noted that there was an "absence of any legal right . . . to have this abstract question [of religious status] determined by any right legal process, unless it is somehow linked with any right to property or right to office." This was a particularly apt observation for, as we know, Ahmadis were ultimately declared non-Muslim via a political and not a legal process.

Justice Gul gave precedence to the religious rights of Ahmadis to freely practice their faith over Kashmiri's right of freedom of expression to engage in polemics against the Ahmadi faith. He drew on a number of Quranic verses to argue that instances of persecution of Ahmadis were "opposed to the true Islamic precepts and injunctions."²⁴ For example, Justice Gul invoked verse 256 of chapter 2 of the Quran, "which

²² Kashmiri's *Chattan* (Lahore) served as a primary vernacular print medium outlet to disseminate Ahrar's anti-Ahmadiyya views in Punjab. See Chapter 3.

²³ *Kashmiri*: 307.

²⁴ *Ibid.*, 309.

guarantees freedom of conscience in clear mandatory terms,” and another verse that states: “Let there be no compulsion in Religion.” Another verse (3:79) was drawn on in which “there is also a positive injunction ... prohibiting man – even though a prophet – from imposing his will upon others.” It was concluded that “freedom of thought and conscience could not have been guaranteed in clearer terms [in the Quran]. These references from the Holy Qura’an, demonstrate the untenable stand taken by the petitioner.” The anti-Ahmadi rhetoric of *Chattan* was linked to “sad instances of religious persecution against which human conscience must revolt, if any decency is left in human affairs.”²⁵

Justice Gul, although under no obligation to do so, invoked *sharia* norms and interpreted them as being entirely consistent with complete religious equality. These norms were invoked with the explicit recognition that constitutional law formed the *grundnorm*. The cultural politics of the Ayub regime, defined by a state-led project of instituting modernist interpretations of Islamic law, secured a safe place for courts to autonomously undertake legal reasoning protecting the rights of Ahmadis on both constitutional and religious grounds, although at the cost of curbing the right of conservative religious groups to freely engage in religious dissent. Clearly, the infusion of secular jurisprudence with Islamic norms does not lead to a curtailment of religious rights and can provide a powerful resource for achieving equitable legal outcomes. Note, however, that this recourse to a flexible and dynamic Islamic ethos that enjoins the accommodation of religious differences is only possible in a context in which *sharia* norms have not been translated into rigid and inflexible positive laws. The invocation of egalitarian *sharia* norms, as we will see next, was a recurrent feature in jurisprudence on the religious rights of Ahmadis.

RESISTING RELIGIO-POLITICIZATION

The Pakistani courts remained committed to protecting the religious rights of Ahmadis with considerable judicial autonomy even after enactment of the Second Constitutional Amendment (SCA) in 1974. This was witnessed most starkly in *Abdur Rahman Mobashir v. Amir Ali Shah*, 1978.²⁶ The timing of this case is significant because it took place in 1978 before promulgation of the 1984 Ordinance but after Zia-ul-Haq’s

²⁵ *Ibid.*, 308.

²⁶ PLD 1978, Lahore 113.

coup. *Mobashir* did not generate attention in the public sphere or the political field, and the legal decision was undertaken with considerable autonomy.²⁷ This case provides the paradigmatic account of the Pakistani higher judiciary's dispositions toward the rights of Ahmadis prior to the religio-politicization of the courts under the Zia-ul-Haq regime. My aim in this section is to show how Islamic norms were invoked by judges to shield Ahmadis from hostile religious forces in Pakistan.

Mobashir was decided by two prominent judges of the Lahore High Court, the junior judge K. M. A. Samdani and the senior presiding judge Aftab Hussain, who penned the final judgment.²⁸ Remember that the Ahmadi question was not new for Justice Samdani, who had headed the Rabwah Tribunal that had investigated the May 29 incident that launched the anti-Ahmadiyya religious movement in 1974. Remember also that Justice Samdani had attempted to make the issue of the religious status of Ahmadis marginal to the Rabwah Tribunal. We should now note that Justice Samdani is widely regarded as an honest and principled legal professional. During my interview with Justice Samdani, I attempted to ask him about the *Mobashir* 1978 case.²⁹ Justice Samdani refused to answer, maintaining that "once a judgment is delivered, the judgment should speak for itself. The judges should not speak about it." The interview instead revolved around the proceedings of the Rabwah Tribunal and its final report.

The disposition to resist the religio-politicization of the judiciary is clearly visible in the *Mobashir* judgment. *Mobashir* was constituted by an appeal filed by a group of Ahmadis. In the earlier case, charges were brought by some non-Ahmadi Muslims of the city of Dera Ghazi Khan against the religious practices of Ahmadis of that city. It was argued that in light of the SCA, courts should rule that mosques and *Azaan* (the Muslim call to prayers) were reserved for exclusive use by Muslims. "Infidels," they argued, did not have the right to construct their places of worship in the shape of mosques or refer to them as mosques, give the Islamic call for prayers, or pray in the manner in which Muslims pray. The basis of the complaint was that Dera Ghazi Khan was a city populated by Muslims, and

²⁷ This was corroborated in interviews conducted with both the Ahmadi lawyer, Mujeeb-ur-Rehman, who pleaded the case for Ahmadi petitioners, and one of the judges in this case, K. M. A. Samdani.

²⁸ Justice Samdani added "I concur" to the judgment.

²⁹ Interview with K. M. A. Samdani, Islamabad, January 30, 2008.

“the religious sentiments of these Muslims are wounded by these activities of the defendants, which have created a law and order situation.” The trial judges in the lower courts ruled in favor of the non-Ahmadis and temporarily prohibited Ahmadis from engaging in “Islamic” practices. This decision was first challenged by Ahmadis in the district court, where it was upheld. Finally, appeal was brought to the Lahore High Court.

Justice Hussain overturned the judgments of the lower courts, referring to them as full of “jurisdictional errors” and to the lower courts as having “acted illegally and with material irregularity in the exercise of their jurisdiction.” First, Justice Hussain argued that Pakistan’s civil law did not regard religious nomenclature and practices as having the status of legal property.³⁰ Consequently, arguments centered on copyrights and trademarks could not be deployed to “debar the defendants from freedom of conscience, worship, or from calling their place of worship by any name they like.” He drew a distinction between “religious property or religious office on one hand and religious rites and ceremonies on the other” and held that the present case involved the latter and not the former.³¹ This point about the legality of the claim that religious practices and nomenclature could be treated as legal objects and thereby given legal protection for the exclusive use by a religious community will, as we will see presently, subsequently be reinterpreted to endorse the 1984 Ordinance.

Second, Justice Hussain dismissed claims that Ahmadi religious practices constituted a threat to public order by offending the religious sensibilities of Muslims. He reasoned that objections to this effect were “only sentimental.”³² We will see later that this legal reasoning also was reversed in subsequent cases in which courts explicitly reified “public sentiments” to uphold the constitutionality of the 1984 Ordinance.³³

Third, during the case proceedings, Ahmadi counsel Mujeeb-ur-Rehman repeatedly argued that the SCA deemed Ahmadis non-Muslim for the purposes of “law” and “constitution” only. From all other perspectives, including *sharia*, Ahmadis remained Muslims. Furthermore, Mujeeb-ur-Rehman maintained that even if it were conceded that Ahmadis were non-Muslim under *sharia*, they could still use Muslim nomenclature and engage

³⁰ Mobashir: 139.

³¹ *Ibid.*, 143.

³² *Ibid.*, 146.

³³ Redding (2004) draws forth this point in his excellent analysis of the various court cases being discussed here.

in Islamic practices because *sharia* did not prohibit non-Muslims from such usage.

Mujeeb-ur-Rehman's arguments about Ahmadis being non-Muslim for the purposes of law only was explicitly rejected by Justice Hussain, who found this distinction between what Asad A. Ahmed has conceptualized as "legal" and "ontic" identity legally absurd.³⁴ However, Justice Hussain drew on the egalitarian ethos of *sharia* to retain a semblance of ambivalence on the issue in ways that were protective of rights and freedoms of the Ahmadis. Justice Hussain first argued that the only instances of *sharia* that could be enforced by the courts were those contained in positive law, such as, for example, Muslim personal law. The issue of whether *sharia* deemed Ahmadis Muslim or non-Muslim was therefore irrelevant. Justice Hussain then noted that even if *sharia* could be legally enforced, it would still remain inapplicable because Ahmadis, as non-Muslim, were not bound by it. In a third move, however, Justice Hussain maintained that in cases involving Ahmadis, the invocation of *sharia* may be justified because "like Muslims this section of the non-Muslims claims to be bound by the law of Koran and *Sunnah*."

In proffering these arguments, Justice Hussain created a legal space for Ahmadis to publicly retain their Muslim identity despite being constitutionally declared non-Muslim. By going back and forth between the SCA that renders Ahmadis non-Muslim and the normative position that the religious identity of an individual derives from his or her beliefs, Justice Hussain introduced a deliberate ambiguity about the religious status of Ahmadis. At some points, Justice Hussain attempted to minimize the alleged differences between the two faiths:

Except for some . . . minor differences the Qadianis do believe in the mission of Prophet Muhammad (peace be upon him), and the Holy Qur'an and traditions. In this view they call their places of worship as *Masjid*, they perform prayers (*Namaz*) in the manner ordained for the adherents of Qur'an and call their congregation to prayer by shouting *Azan*.³⁵

At other times, Justice Hussain deemed Ahmadis non-Muslim but declared that they enjoyed the same rights as *dhimmis*:

The constitutional declaration brings the Qadianis at par with other non-Muslim minorities to whom are guaranteed *inter alia* the right to profess, practice and propagate his religious institution. The same are the rights of the *Zimmis* in an

³⁴ Ahmed (2010).

³⁵ *Mobashir*: 188.

Islamic State. In Muslim States all the non-Muslim subjects are known by the name of *Zimmi*.³⁶

At one place, Justice Hussain held that non-Muslims enjoyed a privileged position under *sharia*:

The rights of non-Muslims are in all respects at par with those of Muslims. They are in fact superior in some respects since all Muslims are required even to fight in their defence . . . and the Holy Prophet is reported to have said that "their property is like our property and their blood is like our blood."³⁷

Justice Hussain also struck down arguments that *sharia* could be invoked to bar Ahmadis from using Islamic nomenclature and practices. The following statement by Justice Hussain is worth quoting because of its interpretation of Islamic history:

Islam leaves non-Muslims free to profess and practice their religion and enjoy complete autonomy in regard to their religious tenets and institutions . . . I have not come across a single instance in the Islamic history when the non-Muslim subjects or non-Muslim conquered in war have been subjected to religious intolerance or their freedom to practice their religion has ever been curtailed or interfered with. I asked the learned counsel for the respondents-defenders to show me a single instance where any sect calling itself within the fold of Islam but declared heretic by the Government was ever prohibited from performing their prayers in the manner as provided by the Sunnah of the Holy Prophet in their mosques or from calling Azan but no such instance from the Islamic history could be quoted.³⁸

Justice Hussain concluded

It is one thing to establish that all these [Islamic] institutions originated with Islam but it is altogether a different proposition that Islam made these things so exclusive that no non-Muslim, even though a believer in the Holy Qur'an or traditions of the Holy Prophet, may utilize them as a means to his spiritual advancement.

Justice Hussain also rejected the claim that there was a "single," easily identifiable design of mosques within the Muslim world. Thus the question of whether non-Muslims could use "Muslim" architectural designs in the construction of their places of worship did not arise because there was no one basic, universal building model of a mosque.³⁹ Justice Hussain mentioned that "I do not see how a person who can without objection offer his

³⁶ *Ibid.*, 181.

³⁷ *Ibid.*, 182.

³⁸ *Ibid.*, 185.

³⁹ *Ibid.*, 175.

prayer in private in a particular mode can be stopped from adopting the same mode in public.”⁴⁰

Here we see again, akin to the *Kashmiri* case, that *sharia* norms were invoked to bolster the constitutional right to religious freedom contained in Article 20 of the Constitution. This article, entitled “Freedom to Profess Religion and to Manage Religious Institutions,” holds that

Subject to law, public order and morality: (a) every citizen shall have the right to profess, practice and propagate his religion; and (b) every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Justice Hussain held that prohibiting Ahmadis from engaging in Islamic practices

will amount to interfering with their religion, which Islam, the religion of tolerance, does not allow. On the other hand Islam leaves the non-Muslims free to profess and practise their religion . . . The Constitutional guarantee in Article 20 of the Constitution is to be interpreted in this light. In my view, the fundamental rights should be interpreted as far as possible in the light of injunctions of the Holy Qur’an and ethical values of Islam. Constitutional safeguard guaranteeing freedom to all including non-Muslim to profess, practise their religion and manage their institutions is in consonance with the Qur’anic guarantee.⁴¹

I have devoted considerable space to *Mobashir* so as to let this crucial judgment speak for itself. I have demonstrated that constitutional law and *sharia* norms were conjoined by judges to protect the religious rights of Ahmadis. Despite the Pakistani state’s acceptance that the Ahmadi question was a political issue of national import, and notwithstanding the “deference to the legislature” upon which the SCA was anchored,⁴² Justice Hussain not only attempted to shield the legal issue of the rights of Ahmadis from political dynamics but also advanced radically different understandings of Islamic law than those held by *ulema*. Certainly the judges were keenly attuned to the political and controversial nature of the issue of rights of Ahmadis. However, while they accepted that it was the prerogative of the politicians to constitutionally declare Ahmadis non-Muslim, the judges resisted religio-politicization of the judiciary by hampering attempts at legal mobilization of courts by anti-Ahmadi religious

⁴⁰ *Ibid.*, 181.

⁴¹ *Ibid.*, 188.

⁴² Mahmud (1995).

groups.⁴³ This was achieved by advancing legal arguments based on both constitutional law and *sharia* norms.

TOWARD RELIGIO-POLITICIZATION: FEDERAL SHARIAT COURT

In Chapter 4 we saw the various measures undertaken by Zia-ul-Haq in service of his project of Islamization of Pakistani state and society. In this section I will consider the foundational changes that he brought about within the judiciary that were pivotal in the religio-politicization of the courts.

Zia-ul-Haq's proclivities toward curbing the judiciary were visible from the very beginning of his political rule and have been noted by scholars and contemporaries alike.⁴⁴ This exercise of control of the judiciary was a manifestation of broader state repression of all political and cultural dissent by means of a brutal army, martial law based on a culture of fear, mass arrests, and the banning of political parties.⁴⁵ Explicit control of the judiciary and other branches of the state through constitutional instruments and executive ordinances also was undertaken routinely to confer legitimacy on the regime.

In 1981, Zia-ul-Haq suspended the Constitution and promulgated the Provisional Constitutional Order (PCO), an unratified political document framed as a constitution and meant to serve as a legal instrument to make his regime appear lawful.⁴⁶ One of the most significant aspects of the PCO was that it required judges to take an oath to uphold the PCO in order to retain their jobs. Its introduction significantly undermined the autonomy of judges and "almost choked the judiciary and virtually silenced dissent."⁴⁷ A handful of judges who were invited to take the oath chose to decline and lost their jobs, but most of the judges took the

⁴³ However, as one Pakistani lawyer, Salman Raja, observed: "It was perhaps fortuitous that the *Mobashir* case was heard by a bench consisting of Samdani and Aftab Hussain in the 1970s. Had it been heard in the courtroom next door with Zullah and Afzal Cheema, the result and the rhetoric would have been entirely different" (personal email correspondence with Salman Raja dated April 18, 2011). Justice Muhammad Afzal Zullah and Justice Mohammad Afzal Cheema were certainly more conservative than Justice Husain and Justice Samdani (Lau 2006: 35-45). It is thus important to be mindful of the importance of judges' own personalities and dispositions in these matters.

⁴⁴ Iqbal (2006); Shah (2001).

⁴⁵ Toor (2011: 125-30).

⁴⁶ Newberg (1995: 180-1).

⁴⁷ *Ibid.*, 26.

oath. By that time, Justice Samdani had developed significant differences with Zia-ul-Haq and was not invited to take the oath.⁴⁸ Justice Hussain, however, did take the oath and was appointed Chief Justice of the Federal Shariat Court in 1981.

Zia-ul-Haq established the Federal Shariat Court (FSC) and its appellate branch in the Supreme Court in 1980 following a number of initial experiments entailing the creation of multiple shariat courts at the level of the provincial high courts.⁴⁹ The FSC was entrusted with determining whether Pakistani laws were in conformity with Islamic principles. If a law (with the exception of the Constitution, fiscal law, and Muslim personal law) was found to be repugnant to Islam, the FSC would inform the government, which would be obliged to alter the law accordingly.⁵⁰ Anita M. Weiss observes that

The establishment of shari'a courts . . . is interesting largely for what the order did not do. It did not restrict the power of either the civil or military courts operating concurrently in Pakistan, except to ensure that the laws were not repugnant to Islam. Nor was there an overhaul of the legal system, placing all laws into conformity at once. Instead, only when a law was challenged as repugnant to Islamic injunction did a shari'a bench become involved. In addition, the question of legal derivation was not raised; laws were decreed as conforming to Islamic shari'a, but no attempt was made to derive the legal system directly from the shari'a.⁵¹

In other words, Zia-ul-Haq's measure was cautionary, gradualist, and to some extent deliberately vague. The shariat courts were "firmly embedded in the existing judicial structure," although they had the effect of significantly enlarging the powers of judicial review.⁵² All appointments to FSC were to be made by Zia-ul-Haq himself from among high court judges or persons qualified to be high court judges.⁵³ After 1985, it was provided that the FSC would consist of eight judges, of who no more than three would be *ulema* well versed in *sharia*. This was done in wake of an outcry from *ulema* who objected that secular judges were not knowledgeable about *sharia*.⁵⁴

⁴⁸ Justice Samdani served under the Zia-ul-Haq's regime from 1978 to 1981. He was not invited to take the oath under the PCO by Zia-ul-Haq in 1981.

⁴⁹ Lau (2006: 122–6).

⁵⁰ Federal Shariat Court (1998).

⁵¹ Weiss (1986: 11–12).

⁵² Lau (2006: 126).

⁵³ According to Lau (2006: 127), this appointment procedure was "somewhat unusual" in that "unlike the appointment procedure for judges to the superior courts, this appointment was to be made without the usual consultation with the Chief Justice of Pakistan."

⁵⁴ H. Khan (2005: 362). A significant aspect of the Federal Shariat Court was the clothing prescribed for its judges. The requirement that the judges and jurists wear the black

Establishment of the FSC has both its supporters and ardent critics. Some state officials and ministers who served in the Zia-ul-Haq regime, such as Raja Zafar-ul-Haq, Minister of Information at that time, continue to regard it as Zia-ul-Haq's greatest achievement.⁵⁵ Critics strongly disagree. Khalid Anwar, a prominent constitutional lawyer, has referred to creation of the FSC as the "usurpation of the prerogatives of the National Assembly" of Pakistan.⁵⁶ Hamid Khan, another constitutional lawyer, argues that "the Court was vulnerable to manipulation in order to reach politically desired results."⁵⁷

A personal interview with a legal professional, Fakhruddin G. Ebrahim, revealed other informal aspects of how the FSC functioned.⁵⁸ Ebrahim was an ad hoc judge of the Supreme Court in 1981 but resigned when Zia-ul-Haq asked judges to take the oath under the PCO. Ebrahim would later serve as Governor of the Province of Sind in 1989–90, Federal Law Minister under the caretaker cabinet of President Farooq Leghari in 1996, and Attorney General of Pakistan. Ebrahim maintains that the FSC served as a "dumping ground" for judges who the establishment considered undesirable or potentially contentious. Conversely, when a "loyal" judge was reaching retirement, he would be "rewarded" by being appointed to the FSC so that he might continue to enjoy the benefits of a salary and other perks that came with an official position. As we will see later, arbitrary state control of appointments in the FSC was a highly significant factor in the religio-politicization of the Pakistani judiciary.

The bifurcation of the courts into secular and shariat courts did not initially lead to jurisdictional contradictions. The situation was muddled later with the passage of a Presidential Order in 1985 entitled, "Revival of the Constitution of 1973 Order," which, like its name suggests, reinstated the previously suspended 1973 Constitution. The order also inserted a new Clause 2A into the constitution making the Preamble (the Objectives Resolution) a substantive part of the Constitution. This had the effect of making the Objectives Resolution's provision that "Muslims

sherwansi (long coatlike garment) with a white collar inside, white *shalwars* (loose pants), black shoes and socks, and a black Jinnah cap (a Qaraqul-fur cap worn by Jinnah) if a cap were to be worn, considered the national dress of Pakistan for males, attempted to visually combine Islam and nationalism (Weiss 1986: 12).

⁵⁵ Interview with Raja Zafar-ul-Haq, Islamabad, February 7, 2008.

⁵⁶ Anwar (1998).

⁵⁷ H. Khan (2005: 363).

⁵⁸ Interview with Fakhruddin G. Ebrahim, Karachi, March 9, 2008.

shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the *Sunnah*” come into sharp conflict with constitutional provisions guaranteeing religious freedom as a fundamental right.⁵⁹

RELIGIO-POLITICIZATION OF COURTS

Ahmadis first challenged the 1984 Ordinance in the FSC in *Mujibur Rehman v. Federal Government of Pakistan* (1985) on the grounds that “the impugned Ordinance violates the Sharia and the Constitutional rights of the Ahmadis to profess, practise and preach or propagate their religion.”⁶⁰ Mujeeb-ur-Rehman, counsel for the petitioners (as well as one of the petitioners), also argued that Ahmadis could not be declared non-Muslim from the standpoint of *sharia*.

One of the most significant aspects of this case was that at the start of the proceedings, the senior presiding judge was the Chief Justice of the FSC Justice Aftab Hussain, who, as we saw earlier, penned the final judgment in *Mobashir*. After the proceedings concluded in *Mujibur Rehman* but before deliverance of the final judgment, Justice Hussain was removed from his post and replaced by Justice Fakhre Alam, one of the other judges hearing the case, who delivered the final judgment. By analyzing the events surrounding the removal of Justice Hussain and the legal judgment that followed, I make a case for religio-politicization of the courts. I further argue that this religio-politicization fundamentally altered jurisprudence by making courts the organs of the exclusionary religious nationalism upheld by the Pakistani state. This, in turn, had the effect of shifting courts away from the egalitarian *sharia* norms that had come to define jurisprudence on the religious rights of Ahmadis.

Religio-Politicization in Action

The *Mujibur Rehman* case is steeped in silences and contradictions, attesting to significant state intervention in this case. For example, before his removal, Justice Hussain had issued a short order⁶¹ in which the Ahmadi petition was dismissed on the grounds that the 1984 Ordinance did not

⁵⁹ Lau (2006: 48).

⁶⁰ PLD 1985, FSC 8, 17.

⁶¹ *Mujeeb-ur-Rehman v. Federal Government of Pakistan*, 1984, PLD 1984, FSC 136.

interfere with the constitutional right of Ahmadis to practice their religion. A detailed judgment was to follow. The question remains why Justice Hussain issued this short order because it directly contravenes his *Mobashir* judgment.

Second, during my personal interviews with politicians and legal professionals, Justice Hussain's removal was mentioned several times, directly lending itself to the issue of the FSC's autonomy from the Zia-ul-Haq regime. References also were made to a judgment that had been written and circulated among other judges of the bench by Justice Hussain prior to his removal. Mujeeb-ur-Rehman, the main Ahmadi petitioner in the case, as well as the lead lawyer, revealed that he had learned through personal sources that Justice Hussain had been critical of the 1984 Ordinance in this judgment.⁶² To his knowledge, Justice Hussain had attempted to take a middle ground whereby while restricted, Ahmadis would have enjoyed greater freedom to conduct their religious practices than allowed by the 1984 Ordinance. Mujeeb-ur-Rehman subsequently went on record to state that during the case, Justice Hussain was given a transference order by Zia-ul-Haq from his post as Chief Justice of the FSC to that of an advisor to the Ministry of Religious Affairs. Justice Hussain refused to accept the latter position and thereby stood retired. According to Mujeeb-ur-Rehman,

The Chief Justice who was ceremoniously sent home during the period when he was to hand in the detailed judgment in the [*Mujibur Rehman*] case, subsequently went on record and stated that Zia-ul-Haq had tried to have his judgment changed. Justice Aftab stated that after a tour of Sudan he was staying in Saudi Arabia for Umra where he received the information that he had been relieved from the Federal Shariat Court and had been appointed as an Advisor to the Ministry of Religious Affairs. On his return to Pakistan he declined to accept this position.⁶³

Given the lack of transparency surrounding such issues, definitive conclusions are hard to draw. However, Sharifuddin Pirzada, Minister for Law and Parliamentary Affairs at that time, also suggested that Justice Hussain's

⁶² Interview with Mujeeb-ur-Rehman, Rawalpindi, January 21, 2008.

⁶³ Mujeeb-ur-Rehman (2002: 23). This, however, raises the question of why Justice Hussain had dismissed the Ahmadi petition altogether. While Mujeeb-ur-Rehman does not have an answer as to why the short order was issued, he questions the motives behind it. He argues that short orders are typically issued when an individual who has been found "not guilty" through court proceedings needs to be immediately released from jail in the interest of justice. However, in the case of the 1984 Ordinance, the law was having its effect, and thus "there was no reason for a short order." Interview with Mujeeb-ur-Rehman.

removal was politically motivated.⁶⁴ Pirzada stated that he had learned that Justice Hussain's judgment had indeed been critical of the 1984 Ordinance and that Zia-ul-Haq eventually decided that Justice Hussain "should not be continued as the Chief Justice and he was dispensed with." According to Pirzada, "portions of his judgment were deleted and [the] rest of the judgment was taken by the other judge and pronounced."⁶⁵ The *ulema*, however, claim that *Mujibur Rehman* was written by Justice Hussain under complete judicial autonomy. Mahmud A. Ghazi, one of the *ulema* invited to assist the FSC in *Mujibur Rehman*, denies that Justice Hussain's removal was related to this case.⁶⁶

The various stories that were told about *Mujibur Rehman* certainly do not provide an authoritative account of what transpired on the ground. They nonetheless raise questions about the relative autonomy of the FSC at that time and suggest the introduction of a new and independent interest, political authorities, in the jurisprudence on the Ahmadi issue. The dismissal of Justice Hussain during the proceedings reveals what was at stake for judges who attempted to pronounce legal decisions that were undesirable for these authorities. We know that Justice Hussain had taken an oath to uphold Zia-ul-Haq's PCO. In this context, we can reasonably assume that judges like him had to renegotiate how to protect rights of vulnerable religious minorities.

The situation was further complicated by the formation of the FSC, which placed judges and other legal professionals trained in the Anglo-American legal tradition in an ambiguous legal space because they were now *required* to speak authoritatively about *sharia*. The issue was not just that judges were now required to draw on a body of law that they were not acquainted with. As the preceding analysis of *Kashmiri* and *Mobashir* shows, judges in Pakistan's courts have been adept at creatively drawing

⁶⁴ As noted in Chapter 4, Pirzada's distinguishing trait in the minds of most Pakistanis is that he has served as the lawyer for all authoritarian rulers of Pakistan whose rule has been challenged as illegal and unconstitutional in Pakistan's Supreme Courts (Perlez 2007).

⁶⁵ Mujeeb-ur-Rehman also questions whether the judgment was written by Justice Fakhre Alam, "who did not know anything about Shariah." He also claims that he did not say some of the things that are attributed to him in that judgment. He made a formal request to the FSC to release to him the audiotaped minutes of the proceedings of *Mujibur Rehman* so that he might correct the record but was denied the request (interview with Mujeeb-ur-Rehman, Rawalpindi, January 21, 2008).

⁶⁶ Interview with Mahmud A. Ghazi, Islamabad, February 22, 2008. Ghazi was an *ulema* judge of the FSC. Previously, he had also served as the Minister of Religious Affairs in the federal government of Pakistan. Ghazi was a vocal defender of the "blasphemy laws" and the 1984 Ordinance (Ghazi 1998).

on Islamic history, legal thought, and ethics to supplement and strengthen their legal judgments based on the *grundnorm* of constitutionally protected fundamental rights. Furthermore, judges are knowledgeable about Muslim personal law, which had been codified under colonial rule and that continues to function in Pakistan after independence.⁶⁷ The crucial change, I suggest, was that state authorities now desired that judges advance jurisprudence that supplemented the puritanical project of Islamization of Pakistani state and society advanced by Zia-ul-Haq. This project, however, as we have already witnessed, was at odds with the dispositions of legal actors such as Justice Hussain. The *Mujibur Rehman* case suggests that the flexibility in interpreting Islamic norms that pervaded the legal system posed a threat to Zia-ul-Haq for it is precisely when one set of Islamic norms can be used to rebut another set of state-sponsored Islamic norms that the state's Islamic law is exposed as being a particularistic and not a universalistic normative system.

Religious Nationalism in Jurisprudence

Justice Alam commenced the *Mujibur Rehman* judgment by discoursing on the theological meaning of the term *khatam-e-nabuwaat*, commonly translated as “seal of prophecy.” Drawing on various theological sources including *hadith* and *fiqh* commentaries, Justice Alam first refuted Ahmadi religious interpretations that craft a theological space for the appearance of prophets who recognize the final authority of Prophet Muhammad. Justice Alam drew extensively on Ahmadiyya literature to establish that Ahmadis consider Mirza Ghulam Ahmad “a perfect prophet like the Holy Prophet” and often “to be higher in status than all other Prophets.”⁶⁸ These theological arguments were followed by the legal endorsement of derogatory narratives about Ahmadiyya faith that have traditionally been propounded by the *ulema*. The judgment devotes considerable space to narratives about Mirza Ghulam Ahmed's personal life, character, marriages, and intrigues that were directly borrowed from mainstream anti-Ahmadi literature produced by the *ulema*.

The *Mujibur Rehman* judgment maintains that the cohesion of the Muslim *ummah* is based foremost on every single Muslim's unflinching

⁶⁷ Asad A. Ahmed refers to this discursive tradition as “state-*sharia*” and contrasts it with the other discursive tradition “grounded within traditional Muslim jurisprudence, [which] is the preserve of the *ulema*” (Ahmed 2010: 280).

⁶⁸ *Mujibur Rehman*: 59.

love and respect for Prophet Muhammad, manifested through belief in the Finality of Prophet Muhammad. While the *Kashmiri* and *Mobashir* cases had approached the issue of religious rights of Ahmadis as a legal and not a political matter, Justice Alam explicitly legitimized its politicization within the legal system:

The *Qadianis* are not a part of the Muslim *Ummah*.⁶⁹ This is amply proved by their own conduct. In their opinion all the Muslims are unbelievers. They constitute a separate *Ummah*. The paradox is that they have substituted themselves for the Muslim *Ummah* and turned the Muslims out of that *Ummah*. The Muslims consider them beyond the pale of Muslim *Ummah* and curiously enough they consider the Muslims out of the pale of that *Ummah*. Clearly the two do not belong to the same *Ummah*. The question who are members of the Muslim *Ummah* could be left unresolved because of the absence of forum in British India but in an Islamic State in which there are institutions to determine the issue, this matter does not present any difficulty. The Legislature as well as the Federal Shariat Court are competent to resolve it.

Furthermore, Justice Alam argued, Ahmadis' "insistence on calling themselves Muslims" was "clearly unconstitutional" in light of the SCA and was "trying the patience of Muslim *Ummah*." This, we should remember, directly contravenes the arguments advanced in *Mobashir*. It was now held that Ahmadis had themselves necessitated the 1984 Ordinance by defying the SCA in continuing to refer to themselves as Muslim and practicing Islam. Ahmadis "showed the least respect for the Constitutional Amendment and continued as before to call their faith as Islam. They continued to propagate their religion freely by publication of books, journals, etc." This "obviously was likely to create [a] law and order situation." Consequently, the 1984 Ordinance could be legally justified through Article 20 of the Pakistani Constitution that makes religious freedoms subject to consideration of "maintenance of law and order."⁷⁰ Quite ambiguously, Justice Alam concluded that while the 1984 Ordinance rightfully restrained Ahmadis from "calling themselves what they are not; since they cannot be allowed to deceive anybody specially the Muslim *Ummah* by passing off as Muslims," it did not constitute a violation of their religious freedoms because "the Muslim *Sharia* affords full protection to the practices of religion by the non-Muslims as well as to its profession." Consider how punitive Islamic restrictions constantly run into an egalitarian *sharia* ethos that advocates religious freedom.

⁶⁹ The Arabic word "*umma*" is deployed to refer to a transcendental Muslim community tied together by a religious bond.

⁷⁰ *Mujibur Rehman*: 119–20.

The *Mujibur Rehman* case is striking because of its appropriation of a legal discourse about Islam that has historically been propagated by *ulema* in the political field. These *ulema* have centrally defined themselves by their opposition to the Ahmadi interpretation of Islam since the inception of Pakistan. The *sharia* norms privileged by judges, however, had protected the rights of Ahmadis to practice, profess, and propagate their interpretations of Islam. By approaching Ahmadi religious beliefs through the prism of anti-Ahmadi narratives of mainstream *ulema*, the FSC shifted the ethos of *sharia* from an egalitarian to a repressive one, in the process restricting rights of nonmainstream Muslim groups to publicly proclaim, practice, and propagate alternative interpretations of Islam.

Finally, *Mujibur Rehman* advocated a Muslim nationalist discourse by maintaining that the Muslim majority held a privileged place within the Pakistani nation-state. Consequently, its sensibilities needed to be safeguarded and protected by the courts. Ahmadis, in this narrative, had called the 1984 Ordinance on themselves by continuing to call themselves Muslim and continuing to practice Islam. The judgment thus legitimized an exclusionary religious nationalism, in the process subverting the Pakistani judiciary's historical orientation toward providing institutional checks on political manifestations of the dark side of democracy. In so doing, it legalized a nationalist symbolic order that situates Ahmadis as devious religious imposters and traitors to Pakistan.

LEGALIZING CRIMINALIZATION

After failing to challenge it on *sharia* grounds in the FSC, Ahmadis challenged the 1984 Ordinance in the Supreme Court of Pakistan in the case of *Zaheeruddin v. The State* (1993) on the grounds that it violated Article 20 of the Constitution⁷¹. As noted earlier, Zia-ul-Haq made the Objectives Resolution a substantive part of the restored Constitution in 1985. This had the effect of making the Objectives Resolution's provisions vesting sovereignty in Allah come into conflict with the fundamental rights protected by the Constitution.⁷² Specifically, it raised the issue of whether constitutionally protected rights could be struck down on the basis of repugnancy to Islamic norms. While the Supreme Court had earlier struck down the claim

⁷¹ *Zaheeruddin v. The State*, 1993, SCMR 1718.

⁷² Lau (2006: 48).

that fundamental rights were constitutionally subordinate to injunctions of Islam,⁷³ it broke with its own legal precedent and made *sharia* one of the bases for upholding the constitutionality of the 1984 Ordinance in *Zaheeruddin*. This section argues that politics of desecularization in the political field had by now firmly spilled over into the higher courts through the religio-politicization of the judiciary. In what follows, I first analyze the legal judgment and then proceed to personal stories that emerged about this judgment during my personal interviews.

The Judgment

In *Zaheeruddin*, the counsel for the federal government, Syed Riazul Hassan Gilani, argued that Muslims held a privileged place in Pakistan by virtue of the state being an Islamic state. Thus Ahmadis could not be allowed to cause “annoyance, detriment and subversion of the Islamic faith.” Article 20 could not be invoked to strike down the 1984 Ordinance because the Constitution did not allow “the subversion and mutilation of somebody else’s right.” Furthermore, executive ordinances could be lawfully employed by the state to avoid a “clash of ideologies” in religious matters, especially in preventing those that are likely to create law and order problems for the community at large. Finally, he argued that the 1984 Ordinance was based on *sharia*, which held supremacy over constitutional provisions guaranteeing rights of religious freedom.

Let us first note the only dissenting opinion. The dissenting judge, Shafiur Rahman, explicitly rejected the claim that fundamental rights were subordinate to and controlled by the injunctions of Islam.⁷⁴ Justice Rahman also held that the 1984 Ordinance was promulgated by a President who “suffered from no Constitutional restraints of Fundamental Rights or other provisions.” He further argued that the clause in the 1984 Ordinance prohibiting Ahmadis from outraging the religious feelings of Muslims did not violate fundamental rights because “nobody has a Fundamental Right or can have one of outraging the religious feelings of others while propagating his own religion or faith.” Ahmadis referring to their places of worship as mosques and giving the Islamic call for prayer could not be taken as instances of outraging feelings

⁷³ *Hakim Khan v. Government of Pakistan*, PLD 1992, SC 595.

⁷⁴ Justice Rahman drew on *Hakim Khan* in which all the judges of the bench had unanimously struck down the claim that fundamental rights were constitutionally subordinate to or controlled by the injunctions of Islam.

of Muslims because these had been religious practices of Ahmadis since the inception of their religion. It therefore could not be argued that such practices had been expressly taken up by them to annoy or outrage the feelings of others. Justice Rahman maintained that while a public claim to being a Muslim by an Ahmadi did constitute a violation of the SCA, prohibiting Ahmadis from propagating and preaching their faith violated “the Fundamental Right of religion’s freedom and of equality and of the speech” in so far as it prohibited only one religious community from propagating their faith. Justice Rahman summed up his views on the 1984 Ordinance as “oppressively unjust, abominably vague, perverse, discriminatory, product of [a] biased mind, so mala fide, and wholly unconstitutional.”

The majority judgment in *Zaheeruddin*, co-signed by three of the five judges on the bench and delivered by Justice Abdul Qadeer Chaudhary, held that Islam, like all religions, had its own words and practices that carried special meaning for Muslims. When non-Muslims employed these, they gave the impression that “they are concerned with Islam when the fact may be otherwise.”⁷⁵ By using Muslim words and epithets, Ahmadis defiled Islam and deceived ordinary people as to their true identity. Thus it was the duty of an Islamic state to protect words associated with Islam.⁷⁶

Second, reference was made to Article 20 of the Constitution that guarantees religious freedom “subject to law, public order and morality.” The word “law” was interpreted as “Islamic law” and “public order” given precedence over religious rights. Justice Chaudhary argued that freedom of religion was not an absolute right because “conduct remains subject to regulation for the protection of the society.”⁷⁷ Thus, when a law was invoked in the interest of maintenance of social order, the question of denial of fundamental rights did not arise because “no one can be allowed to insult, damage or defile the religion of any other class or outrage their religious feelings, so as to give rise to law and order situation.”⁷⁸ This rendering of Ahmadis as a threat to “public order”

⁷⁵ *Zaheeruddin*: 1751.

⁷⁶ N. Khan (2005: 180) correctly points to the importance of the copyright/trademark modality in these legal judgments that posit only “true” Muslims as having the right to Islamic practices and norms and situate the average Ahmadi as “pesky” and “dangerous” copies of the Muslims. Khan also notes that such discursive constructions originate from *ulema* who have a long history of constructing Ahmadis as infidels and apostates.

⁷⁷ *Zaheeruddin*: 1758.

⁷⁸ *Ibid.*, 1765.

constituted a sharp reversal from *Kashmiri* in which mainstream religious groups were deemed a threat to public order.⁷⁹

Third, it was maintained that freedom of religion covered only practices that “are integral and essential part of the religion.” The appellants, he argued, had been unable to show what the integral parts of their religion were and why a public performance of their rituals and ceremonies and use of Muslim epithets was integral to their religion. Fourth, it was held that Muslims in Pakistan believe that the birth of the Ahmadi religion under colonial rule “was a serious and organized attack on its ideological frontiers” and that Ahmadis were a threat to the Muslim *ummah* and to the sociopolitical organization of their society that is based on Islam. Ahmadis themselves had highlighted the separatism between themselves and non-Muslims, going so far as to declare all non-Ahmadis infidels. Justice Chaudhary thus invoked popular religious sentiments as a justification for upholding the 1984 Ordinance.

Finally, it was argued that Ahmadis were legally and constitutionally non-Muslim and therefore did not have the right to Islamic terminologies and epithets. Their use of Islam’s distinctive characteristics could only be construed as an attempt by Ahmadis to pose as Muslims. Justice Chaudhary concluded his statement by equating Ahmadis with Salman Rushdie:

So, if an Ahmadi is allowed by the administration or the law to display or chant in public, the *Shaair-e-Islam*’ [characteristics considered unique to Islam], it is like creating a Rushdi’ out of him. Can the administration in that case guarantee his life, liberty and property and if so at what cost? Again, if this permission is given to a procession or assembly on the streets or a public place, it is like permitting civil war.

A small note was added by the fifth judge, Salim Akhtar, in which he dissented with the majority judgment on one point. He argued that Article 2A, which inserted the Objectives Resolution into the main text of the Constitution, could not be employed to override fundamental rights protected by the Constitution. The qualification in Article 20 about public order, however, could be employed to legally uphold the 1984 Ordinance. Justice Akhtar thus privileged a public-order justification over religious argumentation to deem the 1984 Ordinance constitutional.

⁷⁹ See Saeed (2015) for a discussion of the variable uses of public-order arguments by modern states.

Inside the Courtroom

At the time *Zaheeruddin* was decided, the democratically elected regime of Prime Minister Nawaz Sharif was in place.⁸⁰ Personal accounts suggest that judges in *Zaheeruddin* did not face direct state intervention. They do, however, suggest that *Zaheeruddin* was heard in a highly charged public space. An account of the courtroom was given to me by Fakhruddin G. Ebrahim, the lead counsel retained by the Ahmadis for the case. A civil lawyer by training and practice, Ebrahim was surprised that he was approached by the Ahmadis because he did not have experience with criminal cases. On learning that several prominent lawyers had refused to take the case, Ebrahim became interested and was “shocked” and “amazed” to learn about the 1984 Ordinance, in particular about the reference to “posing as Muslims” in it. Among other things, the 1984 Ordinance criminalizes any Ahmadi “who, directly or indirectly, poses himself as Muslim.”⁸¹ For Ebrahim, the phrase “posing himself as Muslim” comprised the key legal point to be debated:

I was looking at the case purely as that “posing as a Muslim” is so vague a law that a criminal offence cannot emanate from that ... in relation to crime, it must be specific. Posing can mean one thing to you, another to me ... my ground was purely ... I don’t know religion much. I cannot justify or condemn anything on the reason of Islamic principles ... I am not really competent to do that. My argument was about the word itself. By saying that, I attacked Zia’s power by questioning if he could pass a law like that.

Ebrahim also took on the case “as a matter of principle” and because he felt emotional and passionate about the issue in that he was an “irreligious person” belonging to the minority community of Dawoodi Bohras, a splinter Shia sect of Islam. However, he did not fully realize what he was taking on at that time:

I had no idea about what I was taking on because I found at the trial ... when I came, there was a lot of crowd and these fellows were trying to sort of [erect] some kind of a shield around me, these Ahmadi gentlemen. I didn’t understand that at all, why is that so. There were a lot of *maulanas* [*ulema*] in the courtroom, extremists, and they [the Ahmadis] thought that they might even attack me. I had no idea that I was doing something ... that I would invite somebody to attack me.

⁸⁰ Following Zia-ul-Haq’s mysterious death in 1988, Pakistan vacillated between a series of unstable democratic regimes – first Benazir Bhutto regime (1988–90), first Nawaz Sharif regime (1990–3), second Benazir Bhutto regime (1993–6), and second Nawaz Sharif regime (1996–9).

⁸¹ See Appendix B for the full text of the 1984 Ordinance.

One of the judges in the case, Justice Salim Akhtar, gave a similar account:

It was a very charged case because the followers of both sides were always present in Court with good strength and sometimes Court had to control them because sentiments were running high on both sides.

Justice Akhtar indicated that he was “flooded with letters and telegrams from both . . . sides . . . pressing their views . . . giving arguments . . . with the intention to help me, not to influence.”⁸²

Ebrahim was an ad hoc judge at the time of Zia-ul-Haq’s military coup but refused to take an oath under the PCO. Akin to Justice Samdani, he is widely regarded as an honest and morally upright individual. His narrative reflections on the case are significant because he was directly involved in *Zaheeruddin*. Furthermore, as an ex-judge, he is able to provide important insights about how Pakistani judges think. During the interview, he spoke about the strong hold that the popularity of anti-Ahmadi narratives had on the judges, surmising that the judges were “afraid of being called pro-Ahmadi” and “of becoming unpopular.”

Judges were throughout on the defensive. They would not say anything one way or the other. Their attitude was like what is this pain that is being inflicted upon us, having to hear this case. They knew full well that it was a case of grave injustice. This was a cruelty towards an entire community. They were afraid . . . afraid of being called pro-Ahmadi.

Ebrahim strongly stated that “I am not prepared to believe that they [the judges] were against Ahmadis as such. I think they were afraid . . . of becoming unpopular.” Once again, we encounter the dark side of democracy in action. Ebrahim also explained the judges’ attitude by talking about the social meaning of staying in power in Pakistan:

In Pakistan, it is very important to stay in power. Power has a different connotation in Pakistan. Please understand that. Power makes me a different person. Power gives me status . . . opportunity to make money, what not, you see, and what is worst, if I am not in power, I am in jail. You follow me? So either I will go for power . . . or if I am there in power, I will see that I remain in power.

Strikingly similar sentiments were echoed by Justice Samdani, who invoked phrases such as “narrow-mindedness” and “small-heartedness” of state authorities that preclude “fairness” and “justice” in Pakistan. The statements of both Ebrahim and Samdani depict the judges as mouth-pieces of (perceived) public opinion.

⁸² Interview with Salim Akhtar, Karachi, March 10, 2008.

It is, of course, possible that the judges who concurred with the final judgment in *Mujibur Rehman* and *Zaheeruddin* were acting on the basis of their own personal dispositions on the issue. Perhaps judges themselves held conservative religious views that aligned with those of the *ulema*. Empirical problems that are posed in examining the decision-making processes that determine choices of individual superior court judges anywhere makes it hard to offer definitive conclusions.⁸³ For example, the one judge I was able to interview personally, Justice Akhtar, was extremely reluctant to discuss his personal dispositions. It is nonetheless significant that one of the judges who concurred with the majority judgment, Justice Mohammad Afzal Lone, had been on the bench in an earlier case that had unanimously held that Islamic law could *not* form the *grundnorm* in Pakistan. The complete reversal of Justice Lone's position suggests that judges may have based their decisions on their personal preferences about the Ahmadi issue. What is irrefutable, however, is the impact of politicized religious actors and discourses on judicial decision making on the Ahmadi question.

CONCLUSION

This chapter has examined the politics of desecularization in Pakistani courts by highlighting the religio-politicization of the judiciary. It has drawn on legal judgments and personal interviews to demonstrate that the Pakistani state's official policies of exclusion and criminalization of Ahmadis had a profound effect on jurisprudence on the religious rights of Ahmadis. The politicization of the Ahmadi question created immense pressure on courts under the Zia-ul-Haq regime to endorse the state's policy of criminalization of Ahmadis. This endorsement entailed a discursive shift from legal narratives that conjoined constitutional rights with egalitarian *sharia* norms to ones premised on the Pakistani state's official religious nationalism. Linked with arguments about "public order," latter legal narratives maintain that Ahmadis *have* to be criminalized because they offend the religious sensibilities of ordinary Pakistani Muslims.

One of the primary casualties of the religio-politicization of the judiciary has been the *sharia*-derived jurisprudence on religious minorities through which courts had striven to shield vulnerable religious groups such as the Ahmadis from hostile religious forces. We can readily see that

⁸³ Feldman (2005: 89–135).

there is nothing essential about Islam that dictates particular cultural outcomes toward religious minorities. "Islam" in the contemporary nation-state can be deployed in multiple ways and toward different ends, either egalitarian or exclusionary. Ultimately, how "Islam" is articulated and deployed is a political question that finds its resolution through struggles and contestations among multiple social actors in diverse social spaces including courts.

We should note that while anti-Ahmadi and other discriminatory laws such as the blasphemy laws continue to be questioned in the political field, legal narratives by their very nature become locked in and create path-dependent modes of legal reasoning.⁸⁴ Consequently, Pakistani courts continue to discriminate against Ahmadis at the behest of ordinary Muslims. For example, in 1989, local authorities prevented Ahmadis from holding their annual celebration in Rabwah on the grounds that it would cause the loss of "public tranquility" and "annoyance by outraging [the] religious feelings of the predominant majority of citizens" who seek "to keep the mainstream of faith pure and unpolluted."⁸⁵ Ahmadis challenged these orders in the Lahore High Court, but their petition was denied. In the more mundane aspects of adjudication, too, Ahmadis continue to face unusually harsh punishments by lower courts. In one instance, the manager of an Ahmadi mosque was imprisoned for two years and fined Rs 2000 following complaints by local *ulema* that the local Ahmadi "place of worship" had close architectural resemblances with a Muslim mosque. In another instance, an Ahmadi was imprisoned for three years and fined Rs 3000 for distributing Ahmadi literature. Such cases depict the courts' endorsement of regulation of Ahmadis by vigilante *ulema* in local towns and villages, further consolidating the religio-politicization of the judiciary in Pakistan.⁸⁶

The genealogy of the Ahmadi question in Pakistan has meant that Ahmadis' "right to have rights," to invoke Hannah Arendt, is now seriously compromised. On the one hand, Ahmadis are formal *de jure* citizens of the state. They are named in the Constitution as a protected minority, can mobilize courts, vote, form associations, carry out business activities, and, in short, enjoy basic citizenship rights. On the other hand,

⁸⁴ Stone Sweet (2002).

⁸⁵ *Mirza Khurshid Ahmad v. Government of Punjab*, PLD 1992, Lahore 1.

⁸⁶ Copies of these Magistrate Court decisions were retrieved from the library of *Majlis-e-Tahaffuz-e-Khatame-e-Nabuwat* (MTKN) in Multan and are on file with the author.

Ahmadis exist in a highly precarious situation because they are named in Pakistani laws in ways that are a constant reminder of their supposed deviance. In addition to all the laws that this book has analyzed, consider also that in order to successfully renew their passports, all Pakistanis are required to declare that they consider Ahmadis “non-Muslims” and the founder of Ahmadiyya community an “impostor.” Those who do not sign the declaration are declared an Ahmadi on their passport. Ahmadis thus do not enjoy *de facto* citizenship and exist in a state of partial statelessness because the Pakistani state explicitly privileges non-Ahmadi Muslims over Ahmadis.

This book has historicized the processes through which Ahmadis have come to occupy this in-between position between citizenship and statelessness.⁸⁷ More broadly, it has shown that the Ahmadi question has emerged as a critical site for negotiating the practical meanings of a modern Muslim democratic nation-state in Pakistan. Ultimately, it is the imperative of creating a homogeneous nation-state that has “won” in the political field and courts, in the process propelling trajectories of desecularization and criminalization of a benign religious group. The Ahmadi question, however, is not yet concluded. It is entirely likely that it will arise to throw open the question of state–religion relations in Pakistan yet again.

⁸⁷ See Somers (2008) on the distinction between *de jure* and *de facto* citizenship that draws on Arendt’s notion of statelessness.

CONCLUSION

After Secularization

Our scholarly understandings of modern public religion have made significant strides as a result of questioning classical secularization theories that posited a decline in the influence of religion with modernization. It is now routinely acknowledged that religion is alive and well in public and political spheres across modern societies. From grassroots Islamist movements to Catholic liberation theology, from violent acts of militancy undertaken in the name of religion to New Age spiritual movements, from hardened commitments toward the ideology of political secularism to the turn toward post-Islamism, the world we witness today is undergoing an urgent search for new answers to old questions about if and how religious norms ought to govern individuals, communities, and polities. Moreover, these questions continue to be contested and deliberated primarily within the framework of the nation-state. Issues pertaining to the relationship between religion and the state have become more contentious, public, and political not only in Pakistan but also in countries as diverse as France, Israel, Indonesia, and Egypt, to name a few. These realities have prompted scholars to propose different sets of questions: How do we theorize the present moment? Has secularization failed in much of the world? Was the world never secular, or are we witnessing a postsecular moment? Are secular settlements of the mid-twentieth century unraveling, and if so, where are different national polities headed?

This book takes part in this discussion by examining the case of Pakistan. It makes a case for thinking comparatively about the *multiple* trajectories of modern religious change that characterize our modern

world. Some of these trajectories indeed exhibit the continuous “declining scope of religious authority.”¹ Others are characterized by an increasing presence of religion in politics and state formation. I characterize this latter trend as “desecularization.” I define it as a set of historically contingent and instituted processes whereby contestations over religious truths become increasingly entangled with ordinary politics, nationalist classification struggles, and lawmaking. Pakistan is particularly relevant for theorizing these processes because it is one of the few modern states that have been self-consciously founded on the basis of a religious identity. Consequently, institutional, political, and cultural processes geared toward negotiating and enhancing the role of religion within the confines of the modern nation-state form are strikingly visible.

This book examines desecularization processes in Pakistan by deploying the “Ahmadi question.” Over time, the Pakistani state has moved from accommodating members of the controversial Ahmadiyya community as full citizens of the state to forcibly declaring them non-Muslim and eventually criminalizing them for adhering to nonconventional interpretations of Islamic religious tenets. The genealogy of Pakistani state’s highly troubled and historically shifting relationship with Ahmadis crystallizes a core feature of modern public Islam – its contested and unsettled relationship with the nation-state. While “Islam” was symbolically linked with the Pakistani national community at the very onset of its independence, questions about if and how this religious identity ought to translate into state policies have been a site of extensive social struggles entailing a wide spectrum of discourses about secularism, religion, and national identity. The Ahmadi question provides a window for analyzing these struggles and their outcomes. This book demonstrates that Pakistan has followed a trajectory of “unsettled desecularization,” whereby, in the absence of an authoritative state ideology about religion, Islam has been selectively and systematically folded into official nationalism, ordinary politics, positive law, and jurisprudence as a result of extensive struggles in the political field.

After Secularization

This book challenges mainstream perspectives that hold that individual and collective aspirations toward infusing politics with religious beliefs, norms, ethics, and worldviews constitute an aberration. In these

¹ Chaves (2004).

perspectives, “private belief,” properly confined, is an acceptable condition of being modern. The instance it spills out into the political realm, though, we are confronted with deviant behavior. Consequently, much ink has been spilled on explaining the individual psychological-cognitive features and social indicators – tradition, lack of material progress, anomie, education rates, economic insecurity – that can explain why individuals and social collectivities might want to “turn” to religion to shape their lived realities.

Even when it is conceded that religious norms will shape public life, the burden remains on “religion” to establish its compatibility with “modernity,” mainly by proving that it is not a source of violence.² With respect to Muslim societies, this normative undergirding has led to much focus on questions such as the relationship between Islam, on the one side, and democracy, human rights, politics, and civil society, on the other. The flip side of this line of inquiry is the plethora of works that center on and seek to explain religious fundamentalism, revival, and resurgence. In these studies, the focus typically remains on “religious” actors and their sensibilities, aspirations, and ideologies. This has the effect of reifying religion and conceptually displacing religious actors from the broader sociopolitical milieus in which they are embedded.

More often than not, these studies implicitly draw on ahistorical and idealized understandings of secularization and modernity as yardsticks for examining religious change in non-Western contexts. Such teleological accounts of secularization *qua* modernization processes, however, are no longer tenable. For one, scholars have convincingly shown that secularization processes cannot be adequately explained by invoking modernization processes. This is so because the latter notion begets yet more descriptive accounts without yielding historically grounded explanations of social change. Christian Smith escapes this circular reasoning by developing a historical sociology of secularization processes in the specific context of the United States.³ This analysis brings forth the multiple actors, interests, ideologies, aspirations, and strategies through which distinct social realms such as education, courts, and media were freed from religious influences in a specific time frame (1870–1920). It further highlights the agentic capacities of concrete social actors who struggled with adversaries to replace religious

² The association of religion with violence is one of the founding myths of the liberal state and functions to depict secular nationalisms (and the secular state) as inherently devoid of violence (Cavanaugh 2009).

³ Smith (2003).

subjectivities with their own visions of a secular society within these distinct spheres.

Secularization is a historical, institutional, and political process characterized by the contingent differentiation of the social realm into “religious” and “secular” spheres⁴ such that society on the whole is marked by “the declining scope of religious authority.”⁵ Consider processes of secularization in Western Europe.⁶ The story, to simplify, goes as follows: the confessional age in Western Europe, inaugurated by the Protestant Reformation, led to fragmentation of the Latin Church into three confessions – Catholicism, Lutheranism, and Calvinism/Reformed Protestantism. This fragmentation was accompanied by the organization of disparate territorial (or quasi-territorial) churches linked to specific political entities. These political entities were themselves in the *process* of becoming territorial units that would culminate in the modern nation-state form. These connections between state and church were integral in instituting profound social, cultural, political, and religious changes. Certainly these linkages among confessions and political entities differed across time and place. However, religious nationalism, heightening of interreligious conflicts, and treatment of religious minorities as second-class citizens were visible across Western Europe. Tensions that ensued through this de-differentiation gave way to a process of re-differentiation, which scholars characterize as secularization.

The specific forms of political secularisms across Western European cases are deeply contingent on these histories and have left their imprints on subsequent secular settlements. The crucial point to note, for our purposes, is that arriving at these settlements in Western Europe followed long and tortuous processes, and the political secularisms that emerged were outcomes of elongated and deep-seated struggles. We need only consider the revolutionary route to French *Laïcité* to appreciate the broader point.⁷ None of this is to suggest that secular settlements in these countries (or elsewhere) are not contested or that they may not undergo changes in the future.⁸ Rather, my point is that there *are* secular settlements that are available for contestation.

⁴ Casanova (1994); Gorski (2000a).

⁵ Chaves (2004: 750).

⁶ This account draws on Gorski (2000a, 2003).

⁷ See Baubérôt (2010) for a concise essay on political secularism and secularization processes in France.

⁸ Kuru (2009); Cady and Hurd (2010).

Processes of religious change analogous to these secularization processes are underway in much of the Muslim world and have yet to produce authoritative settlements of state–religion relations, in no small part due to the entrenchment of authoritarian regimes after independence from European colonial rule. It is thus helpful to think through the distinction between “settled” and “unsettled” societal contexts with respect to state–religion relations. The former refers to national cases that display relatively stable and widely accepted official ideologies about religion. In such cases, public spheres and courts may be beset by passionate debates on social issues pertaining to the question of state–religion relations. In such cases, however, conflicts remain centered on interpretations of core ideological principles that are in place. In contrast, national contexts characterized by unsettled state–religion relations are beset by frequent and bitter sociopolitical struggles over fundamental ideological principles.

We need comparative and historical frameworks for theorizing these different national contexts with the active recognition that societies may be undergoing secularization or desecularization processes. Desecularization does not mean that secularization processes are reversible in the sense of restoring a bygone era. My notion of desecularization is closer to post-secularization. It captures processes through which concrete social actors act on an already secularized world in order to sacralize it. These actors do so to define new public and political roles for religion. Their aim is to make religious norms relevant for secular dynamics that govern modern polities. These include, among others, defining national identity, making public claims on political authorities, and instituting regimes of citizenship rights. This book analyzes the politics of desecularization, thus understood, in Pakistan.

Theorizing Religious Change

The modern state is analytically central to both secularization and desecularization processes because it possesses the institutional resources to structure the boundaries between distinct realms of law, administration, politics, public sphere, and religion. In the ensuing processes of religious change, specific religious norms may become more or less politically relevant, but the modes through which they do so are foregrounded in the nation-state form. The crucial issue that this book tackles, however, is not why “religion” in the abstract

matters for the nation, but how it is concretely deployed to shape the politics of nation-state formation. Here I recapitulate the study's analytical framework and key empirical findings on the Ahmadi question that can usefully be deployed to comparatively examine trajectories of religious change more broadly.

Concrete and Ambiguous Religious Ideologies

A primary imperative of the modern state is to define an official ideology about religion. Typically, postcolonial states respond to this imperative through constitutional texts. The resulting official ideologies either establish core principles for instituting concrete policies about religious issues or propose loose ideological statements that leave future policy directions ambiguous. While the former allows (relatively) authoritative settlements of state-religion relations to emerge, the latter subjects emergent religious policy questions to political dynamics current at the time. In the latter case, politicization in effect leaves religious issues open to future political struggles and negotiations. In other words, while all states have official ideologies about religion, not all ideologies evolve into authoritative settlements.

We may thus distinguish between two types of official religious ideologies – “concrete” and “ambiguous.” The former refers to ideologies that are relatively stable and come to provide practical norms for shaping policies. The latter refers to ideologies that, because they are expressed in a transcendental and loose language, do not provide concrete norms and directives for instituting policies. In the latter case, religious policies are shaped by political dynamics so that the normative principles underpinning a state's official ideology remain unsettled.

Official religious ideologies do not yield concrete principles at the moment they are formally enunciated. Typically, constitutional norms and directives are debated within legislatures, courts, and the public sphere before a distinct settlement that enjoys widespread social consensus crystallizes. These settlements are constantly renegotiated and subsequently may become subject to radical change. In general, however, concrete religious ideologies provide the key terms of political discourse and a shared language through which contentious religious questions are articulated, debated, and legislated, whereas ambiguous ideologies do not. Furthermore, the former are more likely to be reflective of settled state-religion relations, while the latter of unsettled state-religion relations.

The text that would serve as the Preamble of all Pakistani constitutions and eventually become a substantive part of the Constitution itself, the Objectives Resolution, was adopted in 1949. While constitutional preambles are by definition geared toward defining broad ideological principles, the Objectives Resolution and the debates surrounding it are nonetheless conspicuous for eschewing the question of citizenship equality among religious communities. The subsequent constitutions of Pakistan have unanimously upheld the fundamental rights of all citizens irrespective of religion. However, clauses upholding the Islamic identity of the state have functioned to render the issue of citizenship equality among Muslims and non-Muslims ambiguous. Consequently, social and political struggles over citizenship, as indicated by the Ahmadi question, have remained a feature of political life in Pakistan. The Ahmadi question thus suggests the importance of differentiating between concrete and ambiguous religious ideologies for understanding both the nature and outcomes of conflicts over state-religion relations.

Islam, Nation-State, and the Minority Question

As noted earlier, defining the religious or secularist identity of the state is a modern imperative that is met by writing clauses about state-religion relations in the constitution. Consequently, even when a state defines itself in religious terms, as most contemporary Muslim-majority states do, it is engaged in a *secular* imperative of positing a political distinction between nationals and nonnationals. Inclusion in a global and international system of nation-states demands that the state symbolically represent itself through “national” attributes such as ethnicity, religion, race, and so forth. The issue of the political construction of national identity is thus conceptually distinct from that of nationalism, that is, of affective attachments of moderns to their nations.⁹ There is thus a constitutive gap between the political construction of national identity, aimed at fixing the attributes of the nation-state, and nationalism as a contested site in which different understandings of the nation compete with each other. This gap is crucial for understanding contestations over the triangular relationship between religion, nation, and state in Muslim countries.

First note that the inclusion of Islam as the official religion in constitutional texts does not mean that Muslims will necessarily be privileged by the state. This, however, is a highly probable outcome. When a state

⁹ Duara (1996: 157).

identifies itself with a particular religion, it inevitably opens up space for political demands that the state privilege individuals and groups belonging to the favored religion. In Muslim contexts, such demands are premised on a political distinction between Muslims and non-Muslims and are aimed at making the laws of the state reflect this distinction.

At the same time, most constitutions in Muslim countries also include norms that are aimed at guaranteeing equal rights for all formal citizens of the state irrespective of religion, gender, ethnicity, and so forth. This civic understanding of the nation sits in tension with the ethno-religious conception of the nation and produces a generative space of political contestations over national identity, state–religion relations, and citizenship rights. Furthermore, this civic nationalism may either find its normative justifications through an engagement with the Islamic tradition itself (such as, for example, in the works of the Muslim human rights activist Abdullahi An-Na'im) or through a militant secularism that is aimed at diminishing the religious field through extensive regulation (consider the secularizing measures undertaken by Mustafa Kemal Atatürk in Turkey).

These various distinctions, however, cannot gloss a basic feature of all official nationalisms. As Etienne Balibar argues, the modern nation-state *form* is established through a basic structural violence. By this, Balibar means that “every institution of citizenship involves the institutionalization of exclusions,” although exclusions follow “different historical modalities.”¹⁰ There is a profound difference between the notions of a universalistic civic *demos* and a particularistic *ethnos* because the former rests on an understanding of “the ‘people’ as the collective subject of representation, decision making, and rights” and the latter on “the ‘people’ as an imagined community of membership and filiation.”¹¹ Civic nationalism has the merit, at least theoretically, of excluding only those who are physically situated outside the territorial boundaries of the state. Ethno-religious nationalisms, however, seek out the deviants within, thereby leading us to the analytical distinction between *de jure* and *de facto* citizenship.¹² Yet both are ultimately exclusionary because both seek to draw symbolic boundaries that legitimize unequal access to goods, rights, and resources.

¹⁰ Balibar (2004: 76, emphasis mine).

¹¹ *Ibid.*, 8.

¹² See Chapter 1.

In the specific context of modern Muslims states, constitutional texts that differentiate between Muslims and non-Muslims are articulated with yet another symbolic violence that is specific to Muslim societies. We know that premodern Muslim polities sanctioned social and legal hierarchies between Muslims and non-Muslims. Much scholarship, however, has pointed out that these religious hierarchies were premised on notions of an organic social space in which the fact of religious differences was considered a legitimate dimension of the social landscape.¹³ This flexible and dynamic ethos was able to accommodate even religious groups such as Hindus in Mughal India that did not historically fall under the category of protected minorities or *dhimmis* (classically reserved for Christians and Jews, by virtue of being People of the Book, and Zoroastrians).

The modern nation-state, however, inherently militates against differences among nationals. Those who are marked out as different or deviant are either excluded from full citizenship rights or called on to assimilate by shedding those aspects of their beliefs and ritual practices that the state deems problematic. When normative and textual *sharia* injunctions that differentiate between Muslims and non-Muslims are translated into modern positive law, as has happened across contemporary Muslim nation-states, it has the effect of marginalizing a historical Islamic ethos that enjoins the recognition of religious differences. The modern nation-state provides resources and justifications to transform a historically flexible Islamic ethos of religious accommodation into a coercive, regulatory, and nationalistic ethos of religious exclusion. The hierarchies, legitimized by classical *sharia*, now become enmeshed with the structural violence of the nation-state to produce, exclude and criminalize religious “minorities” and “deviants” in a way that is unprecedented in Islamic history. Such exclusion and criminalization can be more aptly analyzed with reference to the Arendtian conundrum of “the right to have rights” than through an unbroken Islamic tradition extending from the pre-modern to the modern period. The Ahmadi question provides a window for analyzing how these

¹³ This practical ethos was an amalgam of secular ethics, expediency, and religious imperatives. See, for example, Alam (2004) on pre-colonial India. A similar practical ethos can also be delineated in C. A. Bayly’s discussion of religious conflicts among Hindus, Muslims, and Sikhs in the period between 1700 and 1860 when Mughal authority was on the decline and various regional actors stepped in to consolidate their political authority (Bayly 1985). The literature on this topic in the context of the Ottoman Empire is incredibly vast, but see Barkey (2008) and Deringil (2000). This practical ethos, however, was not a universal feature of pre-modern Muslim empires, as attested to by the harsh treatment meted out to heterodox religious minorities in the course of empire building in Safavid Persia (Babayan 2002).

dynamics of exclusion unfold in the context of a modern Muslim polity characterized by an ambiguous religious ideology.

Political Fields and Religious Change

The Ahmadi question also alerts us to the importance of considering political fields for understanding religious change. This is especially necessary in contexts where official religious ideology is ambiguous and undergoes frequent shifts. Drawing on Pierre Bourdieu, I define political fields as social site in which different political actors vie with each other to garner political capital, that is, the capacity to mobilize individuals around a common goal, to formulate collective policies, and, in the process, to acquire political legitimacy.¹⁴ In this conceptualization, competition over formal political power and ideological viewpoints is *equally* salient to policy formation.¹⁵

In transitioning Muslim democracies, traditional political parties function alongside a host of other actors such as bureaucratic-military oligarchies, authoritarian rulers, activist judges, Islamist parties, and vocal *ulema* organized in religious organizations. The notion of political fields allows us to conceptualize a social space that transcends political parties, religious fields, and civil society while capturing a relational space in which all of them operate. It is here that different actors struggle to articulate political issues and name the salient social divisions in society. This competition is not restricted to formal policies and also includes conflicts over substantive processes and procedures through which policies are formed.

A focus on political fields is crucial for understanding conflicts over state–religion relations. This is the space in which contestations over issues such as constitutional relationship between state and religion, citizenship rights of religious minorities, and the scope of formal religious authority within the state structure are carried out. Second, a political fields framework points to how certain issues are able to emerge as politically and symbolically important for adjudicating these broader issues. The Ahmadi question in Pakistan is a case in point and draws attention to the agency of Islamist parties and traditional *ulema* in making certain religious issues politically salient on a national scale.

¹⁴ Kauppi (2003).

¹⁵ Bourdieu (1991a: 181).

Third, this framework throws light on how, once a religious issue has been deemed a political issue requiring state intervention, different actors compete to shape policy outcomes. We know that official policies are structured to produce “state effects.”¹⁶ This refers to the perception, itself a political product, that a monolithic and unitary actor called “the state” deploys its power and authority to shape policies and structure social reality. A political fields framework guards against reification of state power by decentralizing the state and demystifying state–society interactions. It allows us to highlight distinct social groups, strategies of action, interests, and discourses that remains hidden from the view if we focus solely on policy outcomes. Finally, an analysis of contestations around religion in the political field over time allows us to explain the vital characteristics of the trajectory of religious change that is being forged. This includes both the *direction* of religious change (desecularization or secularization) and the *nature* of state–religion relations (whether it is settled or unsettled).

Political Field and the Ahmadi Question

A political fields framework sheds light on why an authoritative settlement of state–religion relations in Pakistan has remained elusive at the same that the state has steadily institutionalized an ideology of religious nationalism. One of the paradoxical impacts of frequent regime shifts in Pakistan has been that the political field has emerged as a more authoritative social site for determining religious policies than the state’s various and shifting religious ideologies. The transformation of the political field in Pakistan, characterized by shift toward majoritarian democratic politics, has increased the legitimacy of Islamist parties with respect to forming religious policies. These Islamist parties have deployed populist religious nationalist frameworks to legitimize the exclusion of religious minorities.

The success of this populist religious nationalism has normalized a political culture in which the politics of fear and the politics of expediency prevail. The politics of fear refers to instances in which public officials come to fear the mobilizing power of religious ideologues if an unpopular legislative measure or legal decision is announced. In secular countries such as France, the situation may be reversed so that ordinary politicians might fear the mobilizing potential of militant secularists if

¹⁶ Mitchell (1991).

they try to accommodate the religious sentiments of minority communities. The politics of expediency refers to political decision making about state–religion relations that comes to be dictated by considerations other than official, issue-based manifestos of political parties. This, for example, was the case with the Pakistan Peoples’ Party under Zulfiaqr Ali Bhutto in the 1970s.

Nationalist Classification Struggles in Pakistan

Nationalist classification struggles over the religious identity of the state are a central feature of politics in modern Muslim states. These struggles entail political contestations among different social actors over conflicting visions of the nation. These visions include majoritarian democratic narratives, puritanical Islamic-positive laws, abstract liberal rights, and Islamic justifications for religious equality. All of these compete with each other for hegemony.

In Pakistan, these contestations are an ongoing feature of political life. Since Pakistan’s independence, the question of Pakistan’s national identity has revolved around three principal narratives. The first is a religious nationalist discourse, the “winner” because it is currently sanctioned by numerous state laws, which seeks to efface religious differences in the polity by marginalizing religious “deviants” and homogenizing the rest. This discourse has been championed historically by conservative religious groups that are particularly threatened by “controversial” Muslim sects such as the Ahmadis (and increasingly Shias) precisely because these sects are so similar to majority Sunnis in terms of beliefs and practices. The Pakistani nation, in this perspective, consists of mainstream Sunni Muslims.

The second is a liberal discourse that builds on the secularist ideologies of founders of Pakistan and privileges liberal rights contained in the Pakistani Constitution. Non-Muslim religious minorities, Ahmadis, and a number of prominent politicians and judges have championed this discourse. The *demos*, in this nationalist narrative, consists of the entirety of formal Pakistani citizens.

The third discourse draws on Islamic norms that espouse egalitarianism, social justice, and freedom of religion sanctioned in the Quran, *hadith*, and Muslim history. This discourse is built on active recognition of religious difference and seeks to manage it through a language that would be acceptable to all. The major proponents of this discourse have been judges, Ahmadis, and ordinary citizens.

This study pays attention to these various discourses and demonstrates that the question of Pakistan's national identity has operated on a highly contested discursive terrain. I further show that the tensions among these discourses have persevered across time, pointing to the unsettled nature of state-religion relations. Ultimately, any resolution is necessarily precarious and unstable because these conflicts are emblematic of a constitutive tension that lies at the heart of the idea of the modern Muslim democratic state. However, specific resolutions are routinely instituted that shape broader trajectories of religious change. In general, it can be proposed that the question of state-religion relations in Muslim societies will remain unsettled until contradictions and tensions among these different discursive positions are allowed to crystallize, made amenable to productive political contestations, and translated into concrete policies.

Law, Politics, Jurisprudence

An analysis of courts and jurisprudence is crucial for fully grasping contemporary trajectories of religious change. Courts often provide a shared and relational social space in which different political and religious actors contest the legality and interpretation of laws pertaining to state-religion relations. In Muslim countries, a range of issues such as citizenship rights of religious minorities and "deviants," Islamic norms, and national identity find their way into courts, often through the initiatives of religious actors.

In Pakistan, a primary effect of the politicization of the Ahmadi question has been that courts have jettisoned jurisprudence incorporating egalitarian *sharia* ethos through which the secular language of the court had been rendered legible to various dissenting parties. This jurisprudential shift was affected through religio-politicization of the judiciary. This refers to processes through which the preferences of political authorities, often linked to popular opinion, become central to how judges make legal decisions. Prior to promulgation of the 1984 Ordinance that explicitly criminalized Ahmadis, Pakistani courts enjoyed considerable relative autonomy and protected rights of Ahmadis as full citizens of the state on the basis of both fundamental constitutional rights and egalitarian *sharia* norms. The courts could do so because of a process of judicialization of religious politics, which allowed courts to shape the practical meanings of religious rights. This is the policy that is currently deployed in contemporary Israel and Egypt to counter majoritarian tendencies with respect to *specific* (but by no means all) politicized religious issues.

The religio-politicization of the judiciary, however, is visible in Indonesia, where a Constitutional Court was established in 2003 with limited powers of judicial review. Although the Indonesian Constitution grants religious freedoms to all citizens, it also makes these subject to considerations of “morality, religious values, security, and public order in a democratic community.”¹⁷ The effect of these limitations is that the Constitutional Court has upheld Indonesia’s “blasphemy law” that targets religious minorities and religious “deviants.” Furthermore, since Indonesia’s transition to democracy in 1998, a host of regions in Indonesia have instituted anti-Ahmadiyya regulations that are likely to undergo judicial review in the future.

The linkages between democratic majoritarianism and religio-politicization of the judiciary are strikingly visible in Indonesia. They suggest that any subsequent judicial review of anti-Ahmadiyya legislations in this country will probably leave these legislations intact on grounds of “religious sentiments” of the majority. This is precisely what has transpired in Pakistan. It is likely that in any future transition from authoritarian rule to democracy in the Arab world, courts will first uphold religious freedoms of majority communities through recourse to a language of democracy and “religious sentiments.” This situation will prevail, as it currently does in Indonesia and Pakistan, until citizenship equality emerges organically as an *internal* social issue requiring state and social intervention.

Colonial Origins of Postcolonial Politics

Finally, this book affirms much work on colonial India that has shown that politicization of religious identities was critically linked with British colonial institutions of governance. The most profound shift that occurred in Indian society in this regard was the transformation of traditional “fuzzy communities” into “enumerated communities.”¹⁸ The power of numbers in colonial society laid the foundations for a system of formal political representation on the basis of religious communities.¹⁹ This structured public arenas in which different Muslims groups and individuals engaged in mutual struggles over both formal political leadership and cultural questions about the nature of the imagined community of

¹⁷ Crouch (2012).

¹⁸ Kaviraj (2010: 18–19).

¹⁹ Appadurai (1993).

Indian Muslims. The Ahmadi question emerged as a public question of much import in this context.

This analysis of the colonial period matters for analyzing postcolonial trajectories of religious change in at least three interlinked ways. First, it provides a picture of the dynamics within and among emerging and differentiated religious, public, and political spheres. Second, it allows us to contextualize how religious cleavages that were politicized during the colonial period affected postcolonial politics. The Ahmadi question readily emerged as a contested symbolic site because it had already been politicized under colonial rule.

Finally, it allows a consideration of how *ancien régimes* matter for understanding contemporary official religious ideologies. For example, Ahmet T. Kuru argues that religious policies of modern states are shaped by whether or not their *ancien régimes* were dominated by a hegemonic religion during state-building periods.²⁰ Secularist states that tend to accommodate religion, such as the United States, had *ancien régimes* that were not linked with a hegemonic religion. In contrast, modern secularist states that are overtly hostile toward religion, such as France and Turkey, had *ancien régimes* that were deeply entangled with a single hegemonic religious tradition. Given that the British colonial state was not tightly aligned with a single religion, we would expect accommodationist regimes in all three countries to emerge from British colonial rule in India – Bangladesh, India, and Pakistan. This, however, is not the case. Official religious ideologies in these three countries are very distinct from each other. The case of Pakistan suggests that we need frameworks that are able to factor in the constitutive role of anticolonial nationalisms for understanding postcolonial trajectories of religious change.

MOVING FORWARD

In line with the analytical framework developed above, this book is an invitation to move toward scholarly accounts of religious change that eschew teleological narratives in favor of robust explanations that factor in national histories, political dynamics and institutions, cultural contestations, and nature of religious authorities. We need to clarify the broad outlines of both secularization and desecularization processes, identify the pendular and overlapping movements between the two, and leave ample analytical room for historical variations across time and

²⁰ Kuru (2009).

place. Furthermore, we need to be attentive to the ways in which these processes become relatively settled and routinized or, alternatively, remain contested and unsettled. The rest of this Conclusion advances this enterprise through a comparative and historical discussion of state–religion relations in other national contexts.

Multiple Trajectories of Modern Religious Change

Earlier I alluded to two sets of conceptual distinctions, “secularization/desecularization,” which pertains to the *direction* of religious change with respect to the continuing presence or absence of religion in politics and state policies, and “settled/unsettled state–religion relations,” which pertains to the *nature* of state–religion relations at any given time. Based on these distinctions, I propose four ideal-typical trajectories of modern religious change: settled secularization, settled desecularization, unsettled secularization, and unsettled desecularization. In what follows, I expand on why these dimensions are useful for understanding changes both within any given national context and for thinking comparatively across national contexts.

Secularization processes have been instituted via different routes in the Muslim world. Postsecular renegotiations of state–religion relations are deeply contingent on the historical forms that these initial secularization processes have taken. In British India, colonial governance was the primary mode through which Indian society was secularized. On independence, different social and political actors in both India and Pakistan concentrated their energies on redefining the relationship between religion and the state. In Pakistan, as noted earlier, the state linked its national identity with Islam in a highly vague and ideological manner. Over time, this had the effect of strengthening the place of *ulema* and Islamist political parties within the political field. These actors have stepped in to capitalize on this ideological vagueness to push forward their own cultural project of religious nationalism. This state of affairs continues to be challenged from various fronts, including human rights and women’s groups (for being patriarchal and repressive) and militant religious groups (for being too liberal). Pakistan thus exemplifies the trajectory of unsettled desecularization. I will turn to the case of India below.

In Iran, the Pahlavi regimes (1925–79) were pivotal in pushing through top-down secularization processes.²¹ Desecularization processes began

²¹ Arjomand (1989), especially chaps. 3 and 4.

emerging in 1960s and 1970s in response to the undemocratic and authoritarian nature of this secularization project. It was during this time that Iran's political culture reshifted toward political spaces such as mosques, seminaries, and bazaars, and political rhetoric began to display traditional Shia symbolism.²² The unrepresentative nature of the Iranian state's secularization was pivotal in the emergence of a resistance movement led by the Shia clergy that culminated in the revolution of 1979.²³ The official religious ideology that was subsequently put into place entailed a top-down project of aggressive desecularization that has deeply entrenched institutions of political authoritarianism. This authoritarianism/Islamic ideology nexus has begun to be actively questioned by reformist social forces in the country, as made visible by Mohammad Khatami's presidency (1997–2005) and the Green Movement (2009).²⁴

In Turkey, secularization processes began with a series of reforms undertaken by the Ottoman state in the nineteenth century and culminated with Kamal Atatürk's vision of political secularism in 1924. This religious ideology has received considerable patronage from ruling elites, in particular, the military and the judiciary, during much of the twentieth century.²⁵ However, Turkey's secular settlement began to undergo intense renegotiations with the entry of Islamist parties into Turkey's political field, in particular, with election of the Justice and Development Party (AKP) in 2002. The current trends in Turkey reflect not only an increasing public presence of religion in the public sphere but also a renegotiation of the meaning of political secularism in a Muslim society.²⁶ This is strikingly visible, for example, in the lifting of the headscarf ban for female workers in state offices by Prime Minister Recep Tayyip Erdogan in 2013.²⁷ Historically, the issue of veiling has been highly controversial in Turkey, and this represents a significant policy shift.

In both Iran and Turkey, the state accommodates a preferred religious identity – Shia Islam in Iran and Sunni Islam in Turkey. Both are converging on a form of public politics, broadly captured by the notion of post-Islamism, that seeks to democratically establish the legitimacy of reformist

²² Mirsepassi (2000: 71).

²³ Arjomand (1989).

²⁴ See essays in Hashemi and Postel (2011).

²⁵ Koğacıoğlu (2004).

²⁶ Göle (1996); Kuru (2009).

²⁷ See www.nytimes.com/2013/10/09/world/europe/turkey-lifts-ban-on-head-scarves-in-state-offices.html?_r=0 (accessed on April 14, 2014).

religious actors.²⁸ Both countries have witnessed an expansion of political fields to include hitherto marginalized social groups – Islamist parties in the case of Turkey and reformist critics of the authoritarian regime in Iran. In both countries, certain social exclusions remain entrenched. Notable here are the historically excluded Baha'is and the (more recent) Green Movement supporters in Iran and the Kurds and Alevis in Turkey.²⁹ The oppositional reformists in Iran are critical of political authoritarianism and seek to make the Islamic Republic more democratic and accountable for all Iranians.³⁰ The AKP, which holds formal political power in Turkey, however, is increasingly being criticized for authoritarian tendencies. These conflicts suggest that negotiated settlements of state–religion relations that will emerge in Turkey will remain anchored in notions of political secularism, while those in Iran will continue to uphold Islamic norms. The practical and symbolic meanings of both, however, will be reconfigured.³¹ Turkey thus represents a case of unsettled secularization, whereas Iran represents a case of unsettled desecularization.

Egypt represents another case of unsettled desecularization. Here Mohammad Ali Pasha (1769–1849), inspired by Ottoman reforms, began the process of secularization of Egypt that was carried forward by subsequent rulers.³² In contrast to Iran, where similar processes were enforced through top-down authoritarian processes over a relatively short period of time, those in Egypt evolved gradually. The Egyptian Constitution of 1923, passed in the aftermath of the country's independence, did not contain any provisions requiring Islamization.³³ Subsequent social discontent with secularization (manifest, for example, in the writings of Hasan Al-Banna) and concomitant state efforts to diffuse the overt secularism of this constitutional framework have defined the logic of state–religion interactions in Egypt in the twentieth century. It is in this context that the grassroots Islamist movement in Egypt, led in large part by the Muslim Brotherhood,³⁴ has functioned to entrench “a conservative moral vision, populist language, patriarchal disposition, and

²⁸ See Bayat (2007) for a discussion of post-Islamism.

²⁹ On the Alevis in Turkey, see Dressler (2013). On Baha'is in Iran, see Sanasarian (2000).

³⁰ Dabashi (2011).

³¹ In Iran, reformists are adopting a narrative about Islam that has been characterized as “Islamic secularism” (Hashemi and Postel 2010). The Green Movement's “charter,” written by one of its most prominent leaders and the 2009 presidential candidate, Mir Hossein Mousavi, exhibits this historical ethos (Mousavi 2010).

³² Zubaida (2005: 121–53).

³³ Lombardi (2006: 102).

³⁴ Wickham (2002).

adherence to scripture.”³⁵ The Islamization efforts undertaken by political leaders, most notably by President Anwar Sadat (1970–81), have been attempts at coopting this socially conservative language of political Islam without paying heed to the movement’s political aspirations toward democracy. For example, Article 2 was inserted into the Constitution of 1971 proclaiming *sharia* “a principal source of legislation.” This article was subsequently amended to make *sharia* “the principal source of legislation.”³⁶

In marked contrast to Zia-ul-Haq’s embrace of a patriarchal and puritanical Islamization project in Pakistan, political leaders in Egypt have remained considerably more cautious of Islamization. On occasion, Egyptian state authorities have also attempted reforms of traditional laws. This, for example, was the case with Egypt’s family law that was reformed by Sadat in 1979. However, the liberal thrust of the reforms generated much opposition from the religious establishment. Egypt’s Supreme Constitutional Court eventually struck down the reforms on jurisdictional grounds. The laws were subsequently reenacted by the government but were considerably watered down to avoid opposition from Islamists.³⁷ At the same time, and akin to Pakistan, religious minorities in Egypt such as Egyptian Copts and Baha’is have formed the site on and through which questions of state–religion relations have been negotiated.³⁸ Thus official strategies in both Egypt and Pakistan have entrenched exclusionary Muslim nationalism, albeit via different routes.

While questions about religious ideology have been debated within a vibrant political field in Pakistan, political authoritarianism in Egypt has made state executive authorities the arbiters of religious claims. This has unwittingly strengthened the legitimacy of the politically oppositional but culturally conservative Muslim Brotherhood. An elongated period of political authoritarianism has deeply polarized Egyptian society, imperiled the vibrancy of the political field, and, as demonstrated by post–Arab Spring developments, harmed the prospects of transition to a formal democracy. The immediate foreseeable outcome is that a politically authoritarian and secular military elite will keep the main political supporters of desecularization, the Muslim Brotherhood, at bay.

³⁵ Bayat (2007: 12).

³⁶ Lombardi (2006: 133).

³⁷ *Ibid.*, 169–71.

³⁸ Scott (2010).

All these cases demonstrate that secularization and desecularization processes and their historical entanglements are embedded within national contexts and histories. These processes entail specific actors, interests, practices, and discourses through which the public importance of religion for various differentiated social realms is defined, contested, and instituted. A historical and sociological approach to religious change suggests that desecularization is neither a self-propelling process nor reducible to seemingly essential and ahistorical features of religion. In other words, the forms that desecularization take cannot be specified through teleological frames. It is a creative and generative process that is aimed at world making. The question, of course, is which and whose vision of the world will be given institutional priority.

More broadly, desecularization is reflective of a glaring yet under-theorized historical reality that people outside traditional centers of the West hold convictions about the importance of religion in shaping public and political life. This observation, which must form the starting point of our analysis, in itself tells us nothing about how religious subjectivities are conjoined with political institutions. It is entirely possible that in some national contexts desecularization processes will give way to political secularisms. In others, the precise relationships between state and religion will be reconfigured. Ultimately, the task of proposing analytical concepts such as desecularization is to capture historically fluid processes and not to propose yet more deductive, static, and rigid concepts inflected with normative considerations.

Settling State–Religion Relations

We are currently witnessing intense social struggles over religion across countries. However, the specific political issues through which these contestations manifest are different in each country. The place of the Muslim Brotherhood in Egyptian politics, the question of whether *Jamaat-e-Islami* should be banned as a political party in Bangladesh,³⁹ and the clamoring of hard-liner Islamic groups in Indonesia to rethink the place of *sharia* within the state apparatus⁴⁰ are suggestive of historically specific

³⁹ Bangladeshi courts banned the Jamaat from contesting the 2014 general elections. See www.theguardian.com/world/2013/aug/01/bangladesh-bans-islamist-party-elections (accessed on April 14, 2014).

⁴⁰ Provincial authorities in Aceh recently endorsed full application of *sharia* for its Muslim and non-Muslim residents. See www.thejakartapost.com/news/2014/02/07/aceh-fully-enforces-sharia.html (accessed on April 14, 2014).

contentious issues through which state–religion relations are being negotiated. In non-Muslim countries such as Israel, too, state–religion relations continue to be extremely contentious. This has been manifest in a number of social issues, including whether women can pray at the Western Wall and whether ultra-Orthodox Jews should be allowed exemptions from military service on religious grounds.⁴¹ In addition to suggesting the unsettled nature of state–religion relations, these cases also indicate that contentious religious issues cannot be explained outside national institutional contexts and histories.

It is analytically easier to describe processes of religious change and conflicts in countries that have relatively stable and concrete religious ideologies. In such cases, state–religion relations are likely to be more settled. Much scholarly literature has focused on precisely such cases as, for example, the United States, France, Turkey, and India. These cases are typically seen as representing the universe of modern secularisms that can, will, or should be adopted by other states. Consequently, there is much work on how these ideological cores came to be historically defined. Note that all these countries have *concrete* religious ideologies sanctioned in constitutional texts that provide clearly defined enforceable norms for adjudicating religious conflicts and forming policies about religious issues.

National contexts characterized by relatively settled state–religion relations are more likely to have concrete religious ideologies that are anchored in an elaborate network of supporting policies and corresponding jurisprudence. In a significant number of Muslim countries, however, official religious ideologies that are elaborated in constitutional texts are unable to provide enforceable norms and directives that can authoritatively guide concrete religious policy formation. In Pakistan, as this book has shown, this was strikingly visible within the realm of citizenship rights in relation to Ahmadis.

Our conventional understanding of constitutions is that they are arrived at through political decision making, are aimed at regulating the exercise of public power, and political actors with competing opinions and interests will consensually turn to constitutional law to settle their disputes.⁴² The genealogy of the Ahmadi question in Pakistan reveals something quite different about constitutions in action. Note that the reason that Ahmadis were forcibly declared non-Muslim and

⁴¹ See Raday (2007) on the Women of the Wall movement and Friedman (1993) on the issue of conscription.

⁴² Grimm (2012).

subsequently criminalized cannot be attributed to constitutional texts. This is so because these never gave an authoritative response to the question of citizenship equality among different religious communities. In fact, political activism over religious status and citizenship rights of Ahmadis was predominantly aimed at either amending the constitution, bypassing it altogether in order to legislate in the domain of criminal law, or altering constitutional jurisprudence. Rather than the Constitution functioning to manage political conflicts, we have a situation in which political conflicts were aimed at disciplining the Constitution and constitutional jurisprudence.

To appreciate this point fully, consider the diametrically contrasting case of the First Amendment to the US Constitution, in particular, its opening phrases that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech.” The first part of the amendment (“Congress shall make no law respecting an establishment of religion”) is referred to as the Establishment Clause. The intellectual origins of the Establishment Clause go back to the Lockean notion of liberty of conscience.⁴³ The idea of liberty of conscience enjoyed consensus among all social actors who participated in constitutional debates.⁴⁴ Furthermore, its enactment was driven by a core *policy* concern – whether the federal state could levy taxes on religious dissenters for supporting established churches.

The story is much more complex than this. The main point, for our purposes, is that enactment of the Establishment Clause was driven by policy concerns and was geared toward generating norms that would serve as directives for subsequent legislation and conflict resolution. The clauses following the Establishment Clause in the First Amendment – the Free Exercise Clause (“or prohibiting the free exercise thereof”) and the Free Speech Clause (“or abridging the freedom of speech”) – provide concrete norms for forming policies.⁴⁵ This is neither to suggest that these norms readily or seamlessly translate into policies or that these norms have not been hotly debated within courts or, least of all, that they produced substantive equality among different religious denominations. Scholars of the Establishment Clause have noted a constitutive tension between the Establishment Clause and the Free Exercise Clause, its shifting interpretations over time, and the excessive litigation that

⁴³ Feldman (2002).

⁴⁴ *Ibid.*, 350.

⁴⁵ Witte (2004).

characterizes it.⁴⁶ However, the Establishment Clause has historically enjoyed widespread authority among different social actors engaged in “culture wars,” even though prominent individuals (notably the present conservative Supreme Court justices) have questioned the Court’s precedent-setting “wall of separation” interpretation.

We can tell a largely similar story about the somewhat trickier case of political secularism in India. The Constituent Assembly debates, which spanned some two years, led to enactment of a Constitution relatively rapidly in 1949. An extremely diverse body consisting of politicians representing nearly every major social grouping in India, the Constituent Assembly arrived at a Constitution that is still in effect. The various clauses pertaining to state neutrality, religious equality, and religious freedom were guided by diverse policy concerns including the status of Muslim personal law, the freedoms that Christian missionaries would enjoy with respect to proselytization, and political rights of religious communities.⁴⁷ At the same time, Indian secularism is anchored in a framework that upholds principles of national unity (a shared national identity defined by being Indian that crosscuts religious divides) and cautious socio-religious reform (such as, for example, with respect to caste discrimination). The multilevel character of Indian secularism was deliberately designed to create space for multiple articulations of secularism that can productively contend with each other through grounded and contextual policy debates.⁴⁸

Consequently, the idea of political secularism enjoys broad public consensus in India, including among religious minorities, and mainstream Hindu nationalists. Academic critics of Indian secularism base their arguments in precisely this observation.⁴⁹ They argue that the conceptual structure of Indian secularism lends itself to exclusion of vulnerable religious groups, thereby leading to the paradox that both the leadership of the Hindu nationalist Bharatiya Janata Party (BJP) and the Muslim patriarchal elite uphold the principle of state secularism.

⁴⁶ Feldman (2005). Also see Murray (2008: 14–5).

⁴⁷ Bajpai (2000); Smith (1963).

⁴⁸ Bhargava (2010).

⁴⁹ See essays by Partha Chatterjee, T. N. Madan, and Ashis Nandy in Bhargava (1999) for critiques that proceed along these lines and essays by Rajeev Bhargava, Akeel Bilgrami, and Amartya Sen in the same volume, Hasan (2010), and Bhargava (2013) for equally critical and insightful defenses of Indian secularism, in particular, its potential for cultivating an equitable society.

In the national-level public sphere in India, then, there *is* a settlement centered on the principle of political secularism, Indian-style, that enjoys widespread social and political authority and forms the basis for making claims in political and legal fields. This point was brought home forcefully during the famous *Shah Bano* case concerning the issue of whether a divorced Muslim woman should receive maintenance from her husband on the basis of *sharia* law or the more gender-friendly civil law.⁵⁰ While the Indian courts upheld the latter, the Indian Parliament overruled the courts in response to vocal criticisms by organized Muslim groups. Strikingly, *both* policies can be justified on the basis of official religious ideology contained in the Indian Constitution.

Consider a more recent example. In the last Indian general elections (2014), the BJP's election manifesto (to be distinguished from campaign tactics) eschewed explicit reference to *Hindutva* (Hindu nationalism) and focused instead on the issue of a Uniform Civil Code for India.⁵¹ This ideal of uniformity, although endorsed by the Indian Constitution itself, functions as an anti-Muslim resource in the hands of Hindu nationalists in the current political climate of India. Clearly, the practical meanings of Indian secularism are deeply contested. One side interprets and defends secularism because it accommodates public religion through a policy of what Rajeev Bhargava terms "principled distance."⁵² The other side questions this distance through arguments about national unity and social reform. The case of contemporary India is thus suggestive of settled state-religion relations that are nonetheless marked by an ambiguous religious ideology able to institute different sorts of inclusions and exclusions.⁵³

With respect to much of the Muslim world in the twentieth century, a striking aspect of constitutions is their instability, as manifested by the frequency with which they are transplanted. In Pakistan, for example, the 1973 Constitution was the third constitution to be enacted and the fifth to be written since independence in 1947. The proliferation of constitutions, however, is not an essential feature of "religious" societies. It emerges from unstable and frequently shifting political regimes that are also typically unrepresentative.⁵⁴ This state of affairs characterized France between the Third Republic and enactment of the 1958 Constitution

⁵⁰ Hasan (1989).

⁵¹ See www.bjpelectionmanifesto.com (accessed on April 14, 2014).

⁵² Bhargava (2013).

⁵³ On the United States, see Sullivan (2007).

⁵⁴ We should note that representativeness is a historically shifting and contentious notion and, at any given time, refers to dominant political and cultural understandings. Based on

that is currently in force, a period marked by five distinct constitutional documents. It has also been a defining feature of contemporary Nepal, which adopted a new constitution in 2015. This is Nepal's fifth constitution since 1951.⁵⁵ The regime shifts in postwar Iraq and post-Arab Spring Egypt brought forth collective aspirations and deep-seated social conflicts over religious ideology. Not surprisingly, these crystallized most forcefully during the course of constitution writing in the aftermath of political regime shifts.⁵⁶

As one scholar has aptly noted with respect to Arab countries, "the role of religion in government has never been democratically negotiated en masse in the Arab world. To assume that this issue has been resolved and a broad consensus exists is to project a Western understanding of religion-state relations on the Arab-Islamic world. Doing so is both erroneous and analytically distorted. *The battles over the role of religion in politics have yet to begin in the Arab world.*"⁵⁷ This perspective incorporates the reality of path dependency, enhanced in the Middle East by the sustained presence of authoritarian regimes, while recognizing the social forces, typically democratic aspirations, that resist official religious ideologies proposed by these regimes. Path dependency vis-à-vis official religious ideology implies that certain narratives about secularism and religion become institutionalized, corresponding policies become locked in, and the symbolic power of actors who propound these narratives and policies increases. It further connotes that official religious ideologies are sticky. This stickiness, however, does not mean that authoritative settlements of state-religion relations have been reached.

This book's analysis predicts that until constitutions are written or amended through substantively democratic procedures that are inclusive and enjoy broad social legitimacy, they will be unable to arrive at settled religious ideologies that can resist the impulse toward majoritarianism that inheres in the modern nation-state form. Constitutional texts that have been instituted by excluding marginalized religious groups (and this analysis can be extended to other types of social exclusions too) typically avoid laying down concrete principles related to citizenship equality among religious groups, instead opting for grand, transcendental, and

our current sensibilities, for example, the American Constitution was not drafted by representative political elites.

⁵⁵ Hangen (2010).

⁵⁶ The call for a democratic redrafting of the Iranian Constitution also figured powerfully in Iran's Green Movement (Mousavi 2010: 343).

⁵⁷ Hashemi (2011), emphasis mine.

loose religious ideologies *precisely* to avoid these difficult issues. This, in turn, makes it difficult for courts to privilege constitutional clauses upholding citizenship equality as they succumb to majoritarian currents. The result, as my analysis of the Ahmadi question demonstrates, is that state–religion relations remain fundamentally unsettled.

A large number of countries are currently struggling with their own Ahmadi questions. This book is an invitation to open our scholarly gaze to these battles by shedding our entrenched vocabularies that are geared toward outcomes and reorienting them toward ongoing processes, negotiations, and contestations. An important step in this direction is an examination of national issues through which salient social conflicts manifest themselves.

APPENDIX A

Text of Objectives Resolution, Preamble to the Constitution of Pakistan

The Preamble to Pakistan's Constitution was passed by Pakistan's first Constituent Assembly on March 12, 1949. It has served as the Preamble for all of Pakistan's three Constitutions of 1956, 1961, and 1973. It was inserted into the main text of Pakistan's Constitution by executive order in 1985. The text of the Objectives Resolution that was passed by the Constituent Assembly in 1949 is reproduced here.

Whereas sovereignty over the entire universe belongs to Allah Almighty alone and the authority which He has delegated to the State of Pakistan, through its people for being exercised within the limits prescribed by Him is a sacred trust;

This Constituent Assembly representing the people of Pakistan resolves to frame a Constitution for the sovereign independent State of Pakistan;

Wherein the State shall exercise its powers and authority through the chosen representatives of the people;

Wherein the principles of democracy, freedom, equality, tolerance, and social justice as enunciated by Islam shall be fully observed;

Wherein the Muslims shall be enabled to order their lives in the individual and collective spheres in accordance with the teachings and requirements of Islam as set out in the Holy Quran and the Sunnah;

Wherein adequate provision shall be made for the minorities to freely profess and practice their religions and develop their cultures¹;

¹ The word "freely" was removed from the Objectives Resolution in 1985.

Wherein the territories now included in or in accession with Pakistan and such other territories as may hereafter be included in or accede to Pakistan shall form a Federation wherein the units will be autonomous with such boundaries and limitations on their powers and authority as may be prescribed;

Wherein shall be guaranteed fundamental rights including equality of status, of opportunity and before law, social, economic, and political justice, and freedom of thought, expression, belief, faith, worship, and association, subject to law and public morality;

Wherein adequate provisions shall be made to safeguard the legitimate interests of minorities and backward and depressed classes;

Wherein the independence of the Judiciary shall be fully secured;

Wherein the integrity of the territories of the Federation, its independence and all its rights including its sovereign rights on land, sea and air shall be safeguarded;

So that the people of Pakistan may prosper and attain their rightful and honored place amongst the nations of the World and make their full contribution toward international peace and progress and happiness of humanity.

APPENDIX B

Text of Anti-Islamic Activities of the Qadiani Group, Lahore Group, and Ahmadis (Prohibition and Punishment) Ordinance, 1984

In the Pakistan Penal Code (Act XLV of 1860), in Chapter XV, after section 298A, the following new sections shall be added, namely:

298B. Misuse of epithets, descriptions and titles, etc., reserved for certain holy personages or places.

- (1) Any person of the Qadiani group or the Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation;
 - (a) refers to, or addresses, any person, other than a Caliph or companion of the Holy Prophet Muhammad (peace be upon him), as "*Ameerul Mumineen*", "*Khalifa-tui-Mumineen*", "*Khalifa-tul-Muslimeen*", "*Sahaabi*" or "*Razi Allah Anho*"
 - (b) refers to, or addresses, any person, other than a wife of the Holy Prophet Muhammad (peace be upon him) as "*Ummul-Mumineen*"
 - (c) refers to, or addresses, any person, other than a member of the family (Ahle-bait) of the Holy Prophet Muhammad (peace be upon him), as "*Ahle-bait*"; or
 - (d) refers to, or names, or calls, his place of worship as "*Masjid*"; shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.
- (2) Any person of the Qadiani group or Lahori group (who call themselves "Ahmadis" or by any other name) who by words, either spoken or written, or by visible representation, refers to the mode or form of

call to prayers followed by his faith as “*Azan*” or recites *Azan* as used by the Muslims, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

298C. Person of Quadiani group etc., calling himself a Muslim or preaching or propagating his faith.

Any person of the Quadiani group or the Lahori group (who call themselves “*Ahmadis*” or by any other name), who, directly or indirectly, poses himself as Muslim, or calls, or refers to, his faith as Islam, or preaches or propagates his faith, or invites others to accept his faith, by words, either spoken or written, or by visible representations, or in any manner whatsoever outrages the religious feelings of Muslims, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine.

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Index

- 1984 Ordinance, 43, 146-8, 152, 155, 161,
162-5, 167-75, 179, 186, 188, 195,
196-7, 199, 200, 201, 203-4, 221
- Ahmad, Ghafoor, 114, 142, 143, 153-4
- Ahmad, Khurshid, 102
- Ahmad, Mirza Nasir, 62-4, 129, 131-3
- Ahmadiyya Community, 1, 3, 6, 7, 42, 43,
48, 52, 62-4, 66, 68-71, 74-5, 79, 109,
115, 116, 118, 127, 129, 130-1, 133,
134, 148, 153-4, 155-6, 165-6, 169,
174, 176-7, 208, 210, *See* Ghulam
Ahmed, Mirza
- Ahmadi Question, 6-7, 9-11, 14, 15, 38,
41, 42-3, 45-7, 57, 64, 65, 67, 77, 85,
95, 99, 105, 106-7, 127, 136, 137,
152-3, 158, 176, 177, 178, 180-1, 184,
187, 191, 206, 207-8, 210, 214, 215,
221, 223, 229, 234
- Ahmadis, 1, 2, 6-7, 9-11, 38, 42-3, 46,
47, 48, 51-3, 57-8, 59-62, 64-8,
69-70, 71-6, 79, 85, 94-6, 100, 101-2,
103-4, 107, 109, 115-20, 122-3, 124,
127, 129-32, 133-4, 138-9, 142, 145,
152-60, 163-4, 165, 166, 168, 171-4,
175, 176-82, 184-91, 195-6,
198-205, 206-8, 210, 220, 221,
229-30
- and Iqbal, 57-65
- anti-Ahmadiyya movement (1952-3),
94-7
- anti-Ahmadiyya movement (1974),
116-22
- anti-Ahmadiyya movement (1984),
158-61
- citizenship rights, 7, 9, 40, 42, 156, 166,
180, 185, 207, 216, 217, 229-30
- Lahore Attacks (2010), 1-2, 13
- numbers, 7
- religious beliefs, 48-50
- split, 52
- Ahmed, Ghafoor, 114, 138
- Alavi, Hamza, 99
- al-Banna, Hassan, 226
- Ali, Sahabzada Farooq, 122, 127-8, 129,
138, 164
- All-India Muslim League, 45, 47, 55-7, 62,
67, 68-74, 76, 77, 80, 82-3, 86
- an'Naim, Abdullahi, 35, 216
- Anti-Islamic Activities of the Qadiani
Group, Lahori Group and Ahmadis
(Prohibition and Punishment)
Ordinance, 1984. See 1984 Ordinance*
- Arendt, Hannah, 7-9, 34, 35, 39, 207
- Arjomand, Said Amir, 21, 40
- Arya Samaj, 48, 49
- Asad, Talal, 17
- Atatürk, Mustafa Kemal, 19, 216, 225
- Aurangzeb, Miangul, 138, 139
- authoritarianism, 26, 33, 98, 110, 225,
226, 227
- Azad, Abul Kalam, 55
- Baha'is, 226, 227
- Bakhtiar, Yahya, 128-9, 131-3, 135, 153
- Balibar, Etienne, 34, 108, 216

- Bangladesh, 45, 79, 112, 113, 223, 228
 Barma, Prem Hari, 92-3
 Bayat, Asef, 11
 Berger, Peter, 12
 Bhandara, Minocher P., 163
 Bharatiya Janata Party (BJP), 231, 232
 Bhargava, Rajeev, 232
 Bhatti, Shahbaz, 177
 Bhutto, Benazir, 204
 Bhutto, Zulfikar Ali, 7, 111-12, 122, 123-6,
 127-8, 136, 138-9, 142, 148-9, 150,
 161, 175, 220
 Blasphemy Laws, 145, 151, 177, 207
 Bourdieu, Pierre, 29, 30, 34, 142, 179, 218
 British India, 3, 6, 41, 45, 47, 65, 72, 75, 80,
 132, 184, 199, 222, 223, 224
 elections, 46, 56-7, 67, 68, 69, 73,
 77, 80
 Government of India Act (1919), 53, 55
 Government of India Act (1935), 66
 Muslim politics, 45, 46, 54-5, 77, 223
 partition (1947), 74-5, 155
 religious fields, 41, 54, 80
 religious policy, 47, 52, 53, 62
 separate electorates, 46, 56-7, 76
 Brown, Nathan, 20
 Brubaker, Rogers, 34
 Bukhari, Attaullah Shah, 59

 Cady, Linell E. and Elizabeth Shakman
 Hurd, 25
 Casanova, Jose, 17, 22
 Chakravarty, Raj Kumar, 90, 92
 China, 104
 Constituent Assembly (Pakistan), 73, 78,
 80, 81, 86, 96, 97, 98, 99, 100, 102,
 110, 142
 flag debates, 81-6
 Objectives Resolution debates, 86-93
 Constitution (Second Amendment) Act of
 1974. *See* Second Constitutional
 Amendment (SCA)
 Cornelius, A.R., 182
 Council of Islamic Ideology, 150, 160,
 163-4, 182

 Datta, Bhupendra Kumar, 90-3
 Datta, Kamini Kumar, 91-2
 Daultana, Mumtaz, 94, 95, 101
 democracy, 5, 27, 33, 35, 37, 41, 42, 91-2,
 104, 107-8, 109, 116, 121, 123, 136-7,
 143, 144, 146, 164, 169, 172, 175, 200,
 205, 211, 222, 227
 desecularization, 4-5, 6, 11, 22-4, 26, 29,
 37, 41, 76, 81, 93, 106, 107, 124, 128,
 137, 143, 146, 174-7, 178, 184, 201,
 206, 208, 210, 213, 219, 223, 224, 225,
 228
 settled, 24, 26-7, 224
 unsettled, 4, 5, 25, 28, 109, 146, 178, 210,
 224, 226
 differentiation, 4, 11, 17, 22-3, 28, 46, 150,
 212. *See also* secularization

 Ebrahim, Fakhruddin G., 194, 204-5
 Egypt, 21, 22, 28, 209, 221, 226-7, 233
 Erdogan, Recep Tayyip, 225
 Establishment Clause (United States), 19,
 26, 230-1

fatwa, 6, 38, 50-1, 64, 71, 101
 Federal Shariat Court, 44, 151, 179, 193-4,
 195, 196, 197, 200
 Fetzer, Joel S. and Christopher Soper, 4
 France, 8, 19, 25, 209, 219, 223, 229, 232
 Free Exercise Clause (United States), 19, 230

 Gandhi, Mohandas Karamchand, 55, 70,
 75, 82
 Ghamdi, Javed, 176
 Ghulam Ahmad, Mirza, 6, 48-53, 60, 61,
 66, 94, 116, 123, 130, 154, 155,
 165, 198
 Gilmartin, David, 45
 Gorski, Philip S., 17
 Greenfeld, Liah, 33

 Hasan, Shamsul, 70-1
 Honig, Bonnie, 12
 Hudood Ordinances, 145, 151, 152
 human rights, 8, 11, 35, 169, 174, 211,
 216, 224
 Hussain, Aftab, 187-91, 193, 195-8

 ideal-types, 24
 Iftikharuddin, Mian, 87, 99
 India (postcolonial), 18, 19, 25, 26, 45, 74,
 79, 104, 111, 113, 132, 223, 229,
 231-2
 Indian National Congress, 45, 55-6, 59, 65,
 69-71, 77, 80, 82, 231
 Indonesia, 27, 222, 228

- Iqbal, Muhammad, 6, 47, 57-8, 59-65, 68
 Iran, 3, 22, 26-7, 28, 35, 104, 174,
 224-6
 Baha'is, 35
 Green Movement, 26, 225, 226
 Revolution (1979), 174
 Islam, 1, 7, 10, 11-12, 15, 26, 32, 42, 48-51,
 53, 58, 61, 63, 64, 65, 69, 72, 85, 101,
 111, 113, 118, 121, 122, 128, 130, 138,
 141, 143, 145, 154, 156, 165, 171-3,
 176, 185, 190, 191, 199, 200, 204, 207,
 211, 225, 227
 and constitutionalism, 40, 86-93, 110,
 114, 132, 136, 143, 150, 182-4, 193,
 201-3, 215
 and national identity, 3, 5, 33, 47, 80, 83,
 84, 85, 106, 116, 124, 125, 126, 143,
 144, 148, 152, 158, 166, 167, 174,
 210, 224
 finality of prophethood (*khatam-e-nabuwwat*), 49-50, 61, 62, 63, 115,
 122, 123, 130, 153, 154, 155, 156, 159,
 198-9
 fiqh/ usul al-fiqh, 36, 38, 88, 198
 Quran, 59, 83, 88, 92, 93, 150, 151, 153,
 154, 156, 173, 185, 195, 220
 sharia, 2, 6, 35-6, 71, 88, 89, 148, 180,
 182-4, 185-6, 188-91, 193, 195, 197,
 199-200, 201, 206, 221, 227, 228, 232
 Sunnah, 83, 88, 150, 173, 189, 190, 195
 Islamists, 7, 88-9, 109
 Islamization (Pakistan), 16, 42, 145, 146,
 148, 150, 151-2, 159, 163, 167, 174,
 176, 192, 198, 227
 Israel, 3, 22, 23, 27, 28, 116, 130, 209,
 221, 229

 Jalal, Ayesha, 59, 97
Jamaat-e-Islami, 79, 88, 94, 102, 106,
 110, 228
Jamiat-ul-Ulema-e-Islam, 1, 113
 Jewish question, 7-9
 Jinnah, Muhammad Ali, 45, 47, 55, 67, 69,
 70, 71-3, 76, 80-6, 97, 100, 105, 152,
 170-1
 judicialization
 of politics, 39
 of religious politics, 39-40, 43, 180-1,
 182, 221
 Justice and Development Party (AKP),
 225-6

 Kashmir Muslim Conference, 59
 Kashmiri, Agha Shorash, 115, 185
 Kasuri, Ahmad Raza Khan, 140-1
 Khaksars, 67, 73
 Khan, Ayub, 110-11, 125, 184
 Khan, Liaquat Ali, 70, 71, 84-5, 86, 90
 Khan, Yahya, 111, 183
 Khan, Zafrullah, 60, 65, 68, 87,
 94, 172
 Kuru, Ahmet T., 223

 Laclau, Ernesto, 34, 124
 Laïcité (France), 19, 212

 Mahmud, Bashiruddin, 53, 60, 66, 67,
 70, 75
Majlis Tahaffuz Khatm-e-Nubuwwat
 (MTKN), 115, 118, 156-7, 158, 160,
 162, 166, 168-9, 175
Majlis-e-Ahrar-Islam (Ahrar), 47, 57,
 59-60, 65-7, 68, 69, 71-2, 73, 76,
 94-6
 Mann, Michael, 42, 107
 Maududi, Sayyid Abu'l-A'la, 88-9, 94-5,
 96, 110
 Mazari, Sherbaz, 138, 139
 Metcalf, Barbara, 55
 Mohammad, Ghulam, 97-8
 Mouffe, Chantal, 37
 Movement for the Restoration of
 Democracy, 149, 167
 Mughal Empire, 36, 51, 217
 Mujeeb-ur-Rehman, 188-9, 195, 196
 Munir Report, 99-102, 104, 182
 Munir, Muhammad, 99, 181
 Muslim Brotherhood (Egypt), 226, 227
 Muslim League (Pakistan), 79, 85, 87, 89,
 93, 99, 161
 Muslim societies
 definition, 11
 religion and politics, 11-16, 32-3, 35-8,
 217-18

 National Awami Party (NAP), 111, 113
 nationalism, 33, 34, 55, 57, 77, 103,
 106, 111, 152, 166, 210, 215,
 227, 232
 civic, 35, 106, 107, 216
 classification struggles, 34, 38, 42, 77,
 108, 210, 220
 ethnic, 107-8, 144, 216

- nationalism (cont.)
 national identity, 3, 7, 10, 16, 29, 33, 34, 41, 47, 78, 81, 82, 84, 89, 92, 93, 105, 107, 109, 111, 114, 116, 121, 122, 123, 126, 130, 136, 143, 146, 152, 164, 166-7, 178, 210, 213, 215, 216, 220, 221, 224, 231
 religious nationalism, 37, 41, 85, 106, 143, 146, 148, 152, 174, 178, 195, 200, 206, 212, 219, 224
 Nazimuddin, Khwaja, 95-6, 98, 101
 Nehru, Jawaharlal, 55, 75
 Nepal, 233
- Objectives Resolution, 3, 86-94, 100, 105, 142, 182, 194, 200, 203, 215, *See also* Constituent Assembly (Pakistan)
 Ottoman Empire, 8, 36, 217, 225, 226
- Pakistan National Alliance (PNA), 148-9
 Pakistan Peoples Party (PPP), 111-13, 125, 127-8, 148-9, 169
 Pakistan Taliban, 1, 13
 Patel, Sardar Vallabhai, 75
 Pirzada, Abdul Hafeez, 122-3, 135-6
 Pirzada, Sharifuddin, 162, 196-7
 political field, 30-3, 37-40, 41, 42-3, 46, 77-9, 97-8, 106, 112-13, 114, 117, 128, 141, 146, 148, 152, 174, 175, 177, 178, 180, 181, 184, 187, 200, 201, 207, 208, 210, 219, 224, 225, 227
 colonial, 46, 47, 53
 politics of expediency, 128, 142, 163, 219
 politics of fear, 137, 140, 147, 163, 177, 219
 postcolonial societies, 30-1, 78, 82, 83, 98, 214, 223
 pressure politics, 137, 140-1, 147, 163, 175
 Provisional Constitutional Order (PCO), 149, 159, 192, 194, 197, 205
- Qadian, 53, 65-7, 69, 74-5
 Qasuri, Ahmad Raza Khan, 135
- Rabwah (Chenab Nagar), 7, 53, 117, 118, 120, 121, 155, 169, 207
 Rabwah Tribunal, 117-20, 127, 187
 Radcliffe Line, 74
 religio-politicization of judiciary, 40, 43, 179, 180-1, 187, 191-2, 194, 195, 201, 206-7, 221-2
- religious minorities, 6, 12, 35, 37, 40, 42, 80, 81, 82, 104, 106, 125, 142, 148, 159, 163, 167, 173, 175, 181, 197, 206, 212, 217, 218, 219, 220, 221, 222, 227, 231
 Roy, Raja Tridev, 128, 141
- Sachar, Bhim Sen, 84-5
 Said, Edward, 11
 Samdani Report, 120, 130, 164
 Samdani, K.M.A., 117, 118-20, 124, 187, 193, 205
 Saudi Arabia, 3, 22, 26-7
 Second Constitutional Amendment (SCA), 107, 109, 115-16, 119-20, 122, 123, 128, 135-9, 141-2, 147-8, 150, 152-7, 158-60, 164, 166, 167, 170, 186, 187, 188, 189, 191, 199, 202
- secularism, 16-19, 25, 55, 81, 90, 103, 106, 107, 110, 209, 210, 212, 216, 225, 226, 228, 229, 231-2, 233
 secularization, 3-5, 16-18, 22, 23-4, 27, 28, 46, 209, 211-13, 219, 223-5, 228
 and modernization, 209, 211
 settled, 24-6, 224
 unsettled, 24, 27, 224, 226, 227
- Sewell, William H., 32
 Sharif, Nawaz, 1-2, 177, 204
 Smith, Christian, 211
- state ideology (religion), 4, 19, 20, 22, 25-8, 77-9, 106, 167, 213, 214, 225, 232, 233
 ambiguous, 20-2, 40, 42, 89, 214-15, 218, 232
 concrete, 20, 21-2, 25-6, 79, 114, 177, 221, 229
 statelessness, 8, 9, 35, 125, 166, 208, *See* Arendt, Hannah
 state-religion relations, 5, 7, 14, 18-21, 24, 26, 28, 33, 35, 37, 39-40, 41, 43, 47, 64, 79, 89, 93, 98, 105, 106, 107, 126, 128, 131, 142, 144, 148, 150, 158, 167, 174, 177, 178, 208, 213, 214-16, 218-19, 220, 221, 224, 226, 227, 229, 232, 233-4, *See also* state ideology (religion)
- Supreme Court (Pakistan), 44, 179, 180, 193, 194, 200
 Swidler, Ann, 19
 symbolic power, 31, 39, 108, 120, 147, 179, 233

- Talbot, Ian, 56
 Taseer, Salman, 177
Tehrik-e-Taliban Pakistan. See Pakistan Taliban
 Turkey, 18, 19, 25, 104, 216, 223, 225, 229
 two-nation theory, 3, 77, 81, 152

ulema, 1-2, 6-7, 38, 45, 49, 50-1, 52, 58, 71, 88-9, 94, 96, 98, 100, 102, 109, 129-30, 134-5, 151, 152, 156, 158-9, 162, 165, 170, 171, 172, 174, 175, 176, 177, 180, 191, 193, 197, 198, 200, 204, 206, 207, 218, 224
 Unionist Party (Punjab), 56
 United States, 16, 18, 19, 25, 104, 132, 175, 211, 223, 229, 230-1

 Universal Declaration of Human Rights, 10, 133, 172
 Uthmani, Shabbir Ahmad, 87, 88-9

 Wasaya, Maulana Allah, 115, 157-8
 Weber, Max, 4
 Wedeen, Lisa, 146
 Weiss, Anita M., 193

 Zafar-ul-Haq, Raja, 161-2, 163, 194
 Zia-ul-Haq, Muhammad, 7, 42, 144, 145, 146, 147-8, 149-52, 158-9, 162-3, 164, 166-7, 170, 174-6, 181, 182, 187, 192-4, 196-8, 200, 205, 206, 227
 Zubrzycki, Genevieve, 29



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The movement away from secularist practices and toward political Islam is a prominent trend across Muslim polities. Yet this shift remains under-theorized. Why do modern Muslim polities adopt policies that explicitly cater to religious sensibilities? How are these encoded in law and with what effects? Sadia Saeed addresses these questions through examining shifts in Pakistan's official state policies toward the rights of religious minorities, in particular the controversial Ahmadiyya community. Looking closely at the "Ahmadi question," Saeed develops a framework for conceptualizing and explaining modern desecularization processes that emphasizes the critical role of nation-state formation, political majoritarianism, and struggles between "secularist" and "religious" ideologues in evolving political and legal fields. The book demonstrates that desecularization entails instituting new understandings of religion through processes and justifications that are quintessentially modern.

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